New Zealand.

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1920, No. 45.

An Act to make Provision for the Public Health.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Health Act, 1920, and shall come into force on the first day of January, nineteen hundred and twenty-one.
2. In this Act, except where a contrary intention appears,—

"Board" means the Board of Health established under this Act:
"Carrier," when used with reference to infectious disease, means any person having in his nose or throat, or in his excretions, or in his discharges, the germs of any infectious disease, though he may exhibit no other sign or symptom of that disease:
"Cleansing," used with reference to a building, includes lime-washing, papering, painting, and the destruction of vermin:
"Contact," when used with reference to infectious disease, means a person who has been exposed to risk of infection from an infectious disease within a period which does not exceed the prescribed period of incubation of that disease:
"Communicable disease" includes any infectious disease, venereal disease, and any other disease declared by the Governor-General, by notice in the Gazette, to be a communicable disease within the meaning of this Act:
"Director-General" means the Director-General of Health appointed under this Act:
“Dwelling” or “dwellinghouse” includes any house, tent, or other structure, whether permanent or temporary, used in whole or in part for human habitation, and includes the land appurtenant to a dwelling:

“Goods” includes all kinds of movable property:

“Hospital” means a hospital within the meaning of the Hospitals and Charitable Institutions Act, 1909:

“Infectious disease” includes any of the diseases mentioned in the First Schedule hereto, and any other disease declared by the Governor-General, by notice in the Gazette, to be an infectious disease:

“Inspector” means an Inspector of Health or a Sanitary Inspector appointed under this Act:

“Inspector of Health” means an officer of the Department of Health appointed as an Inspector of Health under this Act:

“Local authority” means the Council of a borough, the Board of a town district not forming part of a county, the Council of a county, or the Board of a road district in a county in which the Counties Act, 1908, is suspended or is not in force:

“Medical Officer of Health” means the Medical Officer of Health appointed under this Act for a health district:

“Medical practitioner” or “registered medical practitioner” means a medical practitioner registered under the Medical Practitioners Act, 1914:

“Minister” means the Minister of Health:

“Notifiable disease” includes any notifiable infectious disease as herein defined, and also includes any disease mentioned in the Second Schedule hereto, and any other disease declared by the Governor-General, by notice in the Gazette, to be a notifiable disease:

“Notifiable infectious disease” includes any infectious disease mentioned in Part I of the First Schedule hereto, and any other infectious disease declared by the Governor-General, by notice in the Gazette, to be a notifiable infectious disease:

“Offensive trade” means any trade, business, manufacture, or undertaking referred to in the Third Schedule hereto, and includes any other trade, business, manufacture, or undertaking which the Governor-General may from time to time, by notice in the Gazette, declare to be an offensive trade within the meaning of this Act:

“Owner,” with reference to any land or premises, means the person for the time being entitled to receive the rent of such land or premises, whether on his own account or as the agent of or as trustee for any other person, or who would be entitled to receive the same if the land or premises were let at a rent, and includes any person registered under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908, as the proprietor of any such land or premises:
"Port Health Officer" means a medical practitioner appointed as a Port Health Officer for the purposes of this Act:

"Premises" includes a ship:

"Prescribed" means prescribed by this Act or by regulations or by-laws thereunder:

"Sanitary Inspector" means a Sanitary Inspector appointed as such by a local authority for the purposes of this Act:

"Ship" includes every description of vessel used in navigation.

PART I.

ADMINISTRATION.

3. (1.) The Governor-General may appoint a member of the Executive Council to hold office during his pleasure as the Minister of Health.

(2.) The member of the Executive Council now holding office as the Minister of Public Health shall be deemed to have been appointed as Minister of Health under this Act.

(3.) The Ministerial office hereby constituted shall be deemed to be the same as the office of the Minister of Public Health recognized by the Civil List Act, and by any other Act now in force.

4. (1.) There is hereby established a Department of State, to be called the Department of Health (hereinafter referred to as the Department), which shall be charged with the administration of this Act, and with such other functions as may from time to time be lawfully conferred upon it.

(2.) The Department shall comprise the following Divisions, namely:

(a.) The Division of Public Hygiene;
(b.) The Division of Hospitals;
(c.) The Division of Nursing;
(d.) The Division of School Hygiene;
(e.) The Division of Dental Hygiene;
(f.) The Division of Child Welfare;
(g.) The Division of Maori Hygiene; and
(h.) Such other Divisions (if any) as the Minister may appoint.

(3.) The said Department shall consist of—

(a.) The Minister of Health, who shall have the general administration of the Department;
(b.) The Board of Health constituted by this Act;
(c.) A chief administrative officer, to be called the Director-General of Health, who shall be a medical practitioner, with special qualifications in sanitary science;
(d.) A Deputy Director-General of Health, who shall be a medical practitioner, with special qualifications in sanitary science;
(e.) Directors of the several Divisions hereinbefore specified;
(f.) Such number of Medical Officers of Health as may be required, who shall be medical practitioners with special qualifications in sanitary science;
(g.) Such number of Inspectors of Health as may from time to time be required, who shall be holders of approved certificates in sanitation;

(h.) Such number of medical practitioners, nurses, and other professional officers as may from time to time be required;

(i.) An officer to be called the Secretary of the Department of Health; and

(j.) Such other officers, whether permanent or temporary, as may from time to time be found necessary.

5. (1.) The officer holding office at the commencement of this Act as the Chief Health Officer shall be deemed to have been appointed and to hold office as the Director-General of Health under this Act.

(2.) The several officers holding office at the commencement of this Act as District Health Officers shall be deemed to have been appointed as Medical Officers of Health under this Act.

(3.) The several officers holding office at the commencement of this Act as Inspectors under the Public Health Act, 1908, shall be deemed to have been appointed as Inspectors of Health under this Act.

(4.) All other officers holding permanent appointments at the commencement of this Act as officers of the Department of Public Health under the Public Health Act, 1908, shall be deemed to be officers permanently appointed to hold corresponding positions in the Department of Health under this Act.

6. (1.) The Deputy Director-General of Health shall, under the control of the Director-General, perform such general official duties as he is called upon to perform by the Director-General.

(2.) On the occurrence, from any cause, of a vacancy in the office of the Director-General (whether by reason of death, resignation, or otherwise) and in case of the absence from duty of the Director-General (from whatever cause arising), and so long as such vacancy or absence continues, the Deputy Director-General shall have and may exercise all the powers, duties, and functions of the Director-General.

(3.) The fact of the Deputy Director-General exercising any power, duty, or function as aforesaid shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him so to do.

7. (1.) There is hereby established a Board, to be called the Board of Health (hereinafter referred to as the Board).

(2.) The Board shall consist of—

(a.) The Minister of Health, who shall be the Chairman of the Board;

(b.) The Director-General of Health;

(c.) A medical practitioner to be appointed on the recommendation of the Minister;

(d.) A medical practitioner, being a member of the Medical Board constituted under the Medical Practitioners Act, 1914, to be appointed on the recommendation of the New Zealand Branch of the British Medical Association;
(e.) A medical practitioner, being a member of the Faculty of Medicine in the University of Otago, to be appointed on the recommendation of the Minister;

(f.) A person (not being a medical practitioner) to be appointed on the recommendation of the New Zealand Municipal Association;

(g.) A person (not being a medical practitioner) to be appointed on the recommendation of the New Zealand Counties Association;

(h.) A member of a recognized association of civil engineers, to be appointed on the recommendation of the Minister;

(i.) A person, being the Chairman of a Hospital and Charitable Aid Board, to be appointed on the recommendation of the Minister; and

(j.) Two other persons (one of whom shall be a woman deemed to be representative of the interests of women and children) to be appointed on the recommendation of the Minister.

(3.) The members of the Board, other than members who are such by virtue of their office, shall be appointed by the Governor-General for a period of three years, save that any such member may be reappointed or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(4.) The powers of the Board shall not be affected by any vacancy in the membership thereof.

8. (1.) The members of the Board other than the Chairman or officers in the service of the Government shall be paid such allowances as may be lawfully appointed, and all travelling-expenses reasonably incurred by them in respect of their attendance at meetings of the Board and in transacting the business thereof.

(2.) All such amounts shall be paid out of moneys to be appropriated by Parliament for the purpose.

9. (1.) Meetings of the Board shall be held at such times and places as the Chairman or the Director-General or the Board may from time to time appoint:

Provided that such meetings shall be held at intervals not exceeding three months in any case.

(2.) At all such meetings five members of the Board shall constitute a quorum.

10. (1.) In the event of the absence of the Minister from any meeting of the Board the members present shall select one of their number to be chairman for the meeting.

(2.) At any meeting of the Board the Chairman shall have a deliberative vote, and in case of an equality of votes shall also have a casting-vote. At any such meeting the decision of a majority of the members present shall be the decision of the Board.

11. The Board shall have an official seal for the authentication of documents executed or issued by the Board, and all Courts shall take judicial notice of such seal.
12. The functions of the Department of Health shall be—
(a.) To administer this Act and all other public Acts in so far as their purpose is the promotion of health:
(b.) To advise local authorities in matters relating to public health in so far as those local authorities are charged with the care of the public health by this or any other Act:
(c.) The prevention, limitation, and suppression of infectious and other diseases:
(d.) To promote or carry out researches and investigations in relation to matters concerning the public health, and the prevention or treatment of disease:
(e.) To publish reports, information, and advice concerning the public health:
(f.) The organization and control of medical, dental, and nursing services, so far as such services are paid for out of public moneys, not being services in connection with any institution established under the Mental Defectives Act, 1914:
(g.) Generally, to take all such steps as may be desirable to secure the preparation, effective carrying-out, and co-ordination of measures conducive to the public health.

13. (1.) The functions of the Board of Health shall be to hold all such inquiries, to give all such decisions, awards, determinations, recommendations, and consents, and to do all such other acts and things, as are hereinafter in this Act provided for in that behalf, or as may otherwise be lawfully required of it, or as may in its opinion be necessary for the effective administration of this Act.
(2.) For the purpose of enabling it to fulfil its functions as aforesaid the Board may require reports from the Medical Board constituted under the Medical Practitioners Act, 1914, on any matter relative to the causes of disease or mortality.

14. For the purpose of better enabling the Board to fulfil its functions the Governor-General may from time to time appoint any person or persons, whether members of the Board or not, as a Commission under the Commissions of Inquiry Act, 1908, to inquire into any matter in respect of which the Board has any power, jurisdiction, authority, or duty.

15. (1.) For the purposes of this Act the Governor-General in Council may from time to time divide New Zealand or any part thereof into health districts, with such names and boundaries as he thinks fit.
(2.) The boundaries of each health district shall be fixed by reference to the boundaries of the counties, boroughs, or town districts comprised therein, and shall vary with any alteration in such last-mentioned boundaries.
(3.) In no case shall part only of any county, borough, or town district be included within the boundaries of a health district.

16. For the purposes of this Act each health district shall be in charge of a Medical Officer of Health appointed under this Act and assigned to that district by the Director-General.
17. The Director-General may assign one or more Inspectors of Health to a health district.

18. The fact that any Medical Officer or any Inspector of Health exercises his functions in any health district shall be sufficient evidence of his authority so to do.

19. The Director-General and the Deputy Director-General shall have all the functions of a Medical Officer of Health, and may exercise such functions in any part of New Zealand.

PART II.

POWERS AND DUTIES OF LOCAL AUTHORITIES.

20. Subject to the provisions of this Act, it shall be the duty of every local authority to promote and conserve the public health within its district, and for that purpose every such local authority is hereby empowered and directed to do the following things, that is to say:—

(a.) To appoint all such Sanitary Inspectors and other officers and servants as are in its opinion necessary for the proper discharge of its duties under this Act;

(b.) To cause inspection of its district to be regularly made for the purpose of ascertaining if any nuisances, or conditions likely to be dangerous to health or offensive, exist in the district:

(c.) If satisfied that any nuisance, or condition likely to be dangerous to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of such nuisance or the removal of such condition:

(d.) Subject to the direction of the Board of Health or of the Director-General, to enforce within its district the provisions of all regulations under this Act for the time being in force in that district:

(e.) To make by-laws under and for the purposes of this Act or any other Act authorizing the making of by-laws for the protection of the public health:

(f.) To furnish to the Medical Officer of Health from time to time such reports as to diseases and sanitary conditions within its district as the Board of Health or Director-General may require.

21. (1.) The Governor-General may, by Order in Council, exempt any local authority other than a Borough Council from any or all of the duties imposed on local authorities by this Part of this Act, and in any such case may limit the powers conferred on local authorities by this Part of this Act to such extent as may be specified in the Order.

(2.) Any such Order in Council may be at any time in like manner revoked.

(3.) While any such Order in Council remains in force the local authority to which it relates shall not be required to perform the duties imposed on local authorities by this Part of this Act, or such of those duties as may be specified in the Order, and the powers of
the local authority in respect thereto shall be limited in the manner and to the extent specified in the Order.

(4.) An Order in Council shall not be issued under this section save on the recommendation of the Board of Health on the ground that the local authority is unable to make adequate provision for the promotion and conservation of the public health within its district.

(5.) While an Order in Council under this section remains in force with respect to any local authority it shall be the duty of the Health Department to do all such things as it considers necessary, having regard to the provisions of the Order in Council, for the promotion and conservation of the public health within the district of the local authority.

(6.) All expenses incurred by the Health Department in the exercise of its powers under this section in the district of any local authority shall be recoverable from that local authority as a debt due to the Crown.

Sanitary Works.

22. (1.) For the purposes of this section the term "sanitary works" means—

(a.) Drainage-works, sewerage-works, and works for the disposal of sewage;

(b.) Waterworks;

(c.) Works for the collection and disposal of refuse, nightsoil, and other offensive matter;

(d.) Sanitary conveniences for the use of the public;

(e.) Mortuaries;

(f.) Disinfecting and cleansing stations established under this Act; and

(g.) Any other works declared by the Governor-General by regulations under this Act to be sanitary works;

and includes all lands, buildings, machinery, reservoirs, dams, tanks, pipes, and appliances used in connection with any such sanitary works.

(2.) Every local authority, when required by the Board of Health so to do by requisition in writing under the seal of the Board, shall provide within its district such sanitary works as the Board may from time to time require, and shall alter or extend any sanitary works.

(3.) All such sanitary works shall be provided or altered or extended, as the case may be, in accordance with such plans and specifications, on such sites, and subject to such conditions as may be approved by the Board.

(4.) Any two or more local authorities may, with the approval of the Board of Health, combine for the purpose of providing any sanitary works pursuant to this section.

23. (1.) If any local authority is dissatisfied with a requisition of the Board of Health under the last preceding section, it may, within three months after the service thereof, appeal, by notice in writing to the Minister, to a Board of Appeal consisting of a Stipendiary Magistrate (who shall be the Chairman of the Board) and two assessors appointed as herein provided.

(2.) The assessors shall be appointed by the Minister of Health.
(3.) One such assessor shall be appointed on the recommendation of the local authority, and the other on the recommendation of the Board of Health.

(4.) No member or officer of the local authority, and no member of the Board of Health or officer of the Department of Health, shall be appointed an assessor under this section.

(5.) The decision of the Board of Appeal on any matter referred to it on appeal under this section shall be final.

(6.) For the purposes of this section the Board of Appeal shall have all the powers of a Commission under the Commissions of Inquiry Act, 1908.

(7.) On all appeals under this section the Board of Appeal may regulate its own procedure:

Provided that no meeting of the Board shall be held unless all the members of the Board are present thereat.

24. (1.) All sanitary works within the meaning of this Act shall be deemed to be public works within the meaning of the Public Works Act, 1908.

(2.) Any local authority required by the Board of Health to construct, alter, or extend any sanitary works as hereinbefore provided may, by special order, raise a loan for that purpose under the Local Bodies’ Loans Act, 1913, without taking the steps prescribed by sections eight to twelve of that Act.

Appointment of Sanitary Inspectors.

25. (1.) For the purposes of this Part of this Act every local authority shall appoint one or more Sanitary Inspectors, being not less in any case than the number required in that behalf by the Director-General.

(2.) With regard to such Inspectors the following provisions shall apply:

(a.) Every person holding office at the commencement of this Act as an Inspector of Nuisances for any local authority shall be deemed to have been appointed as a Sanitary Inspector under this Act:

(b.) After the commencement of this Act no person shall be appointed as a Sanitary Inspector who is not the holder of a certificate from the Royal Sanitary Institute, or who is not the holder of such other qualifications in lieu of such certificate as may be prescribed in that behalf by regulations under this Act.

(3.) If any local authority fails to appoint or to continue to employ such number of Sanitary Inspectors as the Director-General may require, any Inspector of Health authorized in that behalf by the Director-General may carry out the duties of a Sanitary Inspector within the district of that local authority; and in any such case the salary and expenses of such Inspector of Health for the period during which he so acts, or such proportion thereof as the Director-General may appoint, shall be payable by the local authority, and may be recovered accordingly as a debt due to the Crown, or may be deducted from any moneys payable to that local authority out of the Public Account.
(4.) Notwithstanding anything in the foregoing provisions of this section, any local authority may, with the approval of the Director-General, in lieu of appointing any Sanitary Inspector as aforesaid, pay into the Consolidated Fund from time to time such sums as may be agreed on between the Director-General and the local authority towards the salary and expenses of an Inspector of Health, and thereupon such Inspector of Health shall have all the powers and shall perform all the functions and duties of a Sanitary Inspector within the district of that local authority.

Nuisances.

26. Without limiting the meaning of the term "nuisance," a nuisance shall be deemed to be created in any of the following cases, that is to say:

(a.) Where a pool, ditch, gutter, watercourse, privy or other sanitary convenience, cesspool, drain, or vent-pipe is in such a state or is so situated as to be dangerous to health or offensive:

(b.) Where any accumulation or deposit is in such a state or is so situated as to be dangerous to health or offensive:

(c.) Where any premises (including any accumulation or deposit thereon) are in such a state as to harbour or to be likely to harbour rats or other vermin:

(d.) Where any premises are so situated, or are of such construction, or are in such a state, as to be dangerous to health or offensive:

(e.) Where any gutter, drain, spouting, or downpipe of a building causes dampness in such building or in any adjoining building by reason of its insufficiency or defective condition:

(f.) Where any building or part of a building is so overcrowded as to be dangerous to the health of the occupants, or does not, as regards air-space, floor-space, lighting, or ventilation, conform with the requirements of this or any other Act, or of any regulation or by-law under this or any other Act:

(g.) Where any factory, workroom, shop, office, warehouse, or other place of trade or business—

(i.) Is not kept in a cleanly state, and free from offensive effluvia from any drain or sanitary convenience; or

(ii.) Is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust, or impurities generated therein; or

(iii.) Is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be dangerous to the health of the persons employed therein:

(h.) Where any buildings or premises used for the keeping of animals or birds are so constructed, situated, used, or kept, or are in such a condition, as to be dangerous to health or offensive:
Where any animal or bird, or any carcase or part of a carcase, is so kept or allowed to remain as to be dangerous to health or offensive:

(j.) Where any offensive trade is so carried on as to be dangerous to health or unnecessarily offensive:

(k.) Where any chimney (including the funnel of any ship, but not including the chimney of a private dwellinghouse) sends forth smoke in such quantity, or of such nature, or in such manner, as to be dangerous to health, or offensive, or in any manner contrary to any regulation:

(l.) Where any street, road, right-of-way, passage, yard, premises, or any land is in such a state as to be dangerous to health or offensive:

(m.) Where any well or other source of water-supply, or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed, or is in such a condition, as to render the water therein offensive, or liable to contamination, or likely to cause danger to health.

27. Every person by whose act, default, or sufferance a nuisance arises or continues (whether such person is or is not the owner or occupier of the premises in respect of which such nuisance exists) is liable to a fine of twenty pounds, and if the person convicted can lawfully abate such nuisance he is liable to a further fine of five pounds for every day or part of a day during which such nuisance remains unabated after such conviction.

28. The provisions of this Act relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding under any other Act or at law or in equity:

Provided that no person shall be punished for the same offence both under the provisions of this Act and under any other law or enactment.

29. The provisions of this Act relating to nuisances (including any regulations or by-laws thereunder) shall, unless otherwise specifically provided therein, apply to nuisances created by the Government or by any officer thereof in his capacity as such officer.

30. (1.) All proceedings under this Act in respect of nuisances shall be heard and determined before a Stipendiary Magistrate alone.

(2.) The Magistrate, if satisfied that a nuisance exists on the premises, or that, though abated, it is likely to recur, may by order—

(a.) Require the owner and occupier to abate the nuisance effectively:

(b.) Prohibit the recurrence of the nuisance:

(c.) Both require the abatement and prohibit the recurrence of the nuisance:

(d.) Specify the works to be done in order to abate the nuisance or prevent its recurrence, and the time within which they shall be done.

(3.) If the Magistrate is of opinion that by reason of the nuisance any dwelling or other building is unfit for human occupation, he may, by the same or any subsequent order, prohibit the use thereof for that
In special cases, Inspector or other officer may abate nuisance without notice.

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purpose until the nuisance has been effectively abated to his satisfaction, or until provision has been made to his satisfaction to prevent its recurrence.

(4.) Any order made under the last preceding subsection may be rescinded by a Magistrate when he is satisfied that the nuisance has been effectively abated, or, as the case may be, that due provision has been made to prevent its recurrence; but until the order is rescinded it shall not be lawful to let or occupy the house or building to which the order relates.

(5.) Every person who makes default in duly complying with any order made under the foregoing provisions of this section is liable to a fine of five pounds for every day on which the default occurs.

(6.) If the default consists of not doing the works necessary in order to abate the nuisance effectively, or to prevent its recurrence, the local authority, or the Medical Officer of Health on behalf of the local authority, shall cause the works to be done at the expense in all things of the owner and occupier, who shall be jointly and severally liable for the cost of the works.

(7.) If there is no known owner or occupier of the land or premises on which any such nuisance as aforesaid exists, or if the owner or occupier cannot be found, then the Magistrate may by order direct that the nuisance be abated by the local authority or Medical Officer of Health at the expense of the local authority.

(8.) All expenses incurred by or on behalf of the local authority under this section, together with reasonable costs in respect of the services of the local authority, shall be recoverable in a summary way from the owner or occupier of the premises in respect of which the same are incurred, and until paid they shall by force of this Act be deemed to be a charge on the premises.

(9.) All materials, refuse, and things removed by the local authority or the Medical Officer of Health in abating any such nuisance or doing any such works as aforesaid shall be sold, destroyed, or otherwise disposed of as the local authority or the Medical Officer of Health thinks fit.

(10.) All moneys arising therefrom shall be applied in or towards satisfaction of the expenses incurred, and the surplus (if any) shall be carried to the account of the fund or rate applicable to works relating to sanitation, or if there is no such fund or rate, then they shall form part of the general funds of the local authority.

(11.) In any proceedings under this section the Magistrate may himself examine the premises or authorize any other person to do so, and may direct the owner and occupier of any other premises to be summoned in respect of the nuisance, and join them as parties to the proceedings.

31. (1.) Where, by reason of the existence of a nuisance on any premises within a borough, immediate action for the abatement of that nuisance is, in the opinion of the Surveyor or Engineer of the borough or of the Sanitary Inspector, necessary, the Surveyor, Engineer, or Inspector, as the case may be, with such assistance as may be necessary, may, without notice to the owner or occupier, enter on the premises and abate the nuisance.
(2.) All expenses incurred in the abatement of a nuisance under this section shall be recoverable in a summary way from the owner or occupier of the premises in respect of which the same are incurred.

32. In any case where it appears that a nuisance existing within the district of a local authority is wholly or partly caused by some act or default outside the district, proceedings may be taken against any person in respect of such act or default in the same manner and with the same incidents and consequences as if the act or default were wholly inside the district.

Refuse, Nightsoil, and Sanitary Services.

33. (1.) Every local authority may, and, if so directed by the Board of Health, shall, undertake or contract for the efficient performance of the following services within its district or within any part thereof, that is to say:—

(a.) The removal of house refuse or other rubbish or waste matter from premises, and the collection thereof;
(b.) The sweeping, cleansing, and watering of streets (including foot-pavements), and the collection and removal therefrom of all refuse and rubbish;
(c.) The disposal of refuse and rubbish so as not to be a nuisance or dangerous to health;
(d.) The providing of receptacles for the temporary deposit and collection of refuse, rubbish, and waste matter; and
(e.) The collection, removal, and disposal of nightsoil, and the cleansing of sanitary conveniences.

(2.) Any local authority may for the purpose of any service as aforesaid sell or supply to the occupiers of any premises any pans or other receptacles used for the purposes of such service, and may charge a reasonable price or fee therefor.

(3.) Any two or more local authorities may, with the approval of the Board of Health, combine for the purpose of any of the services specified in this section.

(4.) Every person is liable to a fine of five pounds who in any way obstructs or hinders the local authority or its contractor in the performance of any services under this section.

34. With respect to the collection, removal, and disposal of refuse (other than trade refuse), and the collection, removal, and disposal of nightsoil, under the last preceding section the following provisions shall apply:—

(a.) The work shall be executed promptly, efficiently, and at regular and prescribed intervals to the satisfaction of the Medical Officer of Health.
(b.) If in respect of any premises default is made in executing any such work efficiently or at the prescribed intervals, the occupier or an Inspector of Health may serve notice thereof on the local authority.
(c.) If the notice is served as aforesaid the local authority shall forthwith inform the contractor (if any).
(d.) If such notice is served on the local authority, then, unless the work is done within a reasonable time thereafter,
Local authority may, with consent of Minister, use portion of reserve for depot.

Requirements of dwellinghouses as to supply of water and sanitary conveniences.

Sanitary requirements of business premises.

35. (1.) Any local authority may, with the consent of the Minister, set apart as a site for the deposit and disposal of nightsoil or refuse any portion of any reserve the control or management of which is vested in it.

(2.) Any such consent may be at any time in like manner revoked.

Buildings.

36. (1.) It shall not be lawful for any person to erect or rebuild any building intended for use as a dwellinghouse, or for any person to sell, or let, or sublet, or permit to be occupied as a dwellinghouse, any building or part of a building, unless in every such case sufficient provision is made in accordance with regulations or by-laws in force in the district, or, in the absence of such regulations or by-laws, then to the satisfaction of the Medical Officer of Health, for the following matters, that is to say:—

(a.) An adequate and convenient supply of wholesome water available for the inmates of the dwelling;

(b.) Suitable appliances for the disposal of refuse water in a sanitary manner; and

(c.) Sufficient privy accommodation available for the inmates of the dwelling.

(2.) Every person who commits an offence against this section is liable on summary conviction to a fine of twenty pounds.

(3.) The owner of any dwellinghouse erected or rebuilt in contravention of this section shall be liable on summary conviction, in addition to any penalty under the last preceding subsection, to a fine of five pounds for every day during which such dwellinghouse or any part thereof is inhabited whilst not in conformity with the requirements of this section.

37. With respect to every factory, workroom, shop, office, warehouse, or other business-place in which persons are employed the following provisions shall apply:—

(a.) Sufficient privy accommodation available for the use of the persons employed therein shall be provided in accordance with regulations or by-laws in force in the district, or, in the absence of such regulations or by-laws, then to the satisfaction of the Medical Officer of Health.

(b.) If the persons so employed are of different sexes, then the privy accommodation shall be separate for each sex, and shall be so constructed and situated as to ensure complete seclusion for each sex.

(c.) If default is made in faithfully complying with any of the foregoing requirements of this section, the owner and occupier of the premises shall be severally liable to a fine of five pounds for every day on which the default occurs.
38. In considering any application for the grant of a publican's license or an accommodation license under the Licensing Act, 1908, or for the renewal of any such license, it shall be the duty of the Licensing Committee to take into consideration any report that may be made to it by any Inspector with reference to the sanitary condition of the premises to which the application relates.

39. (1.) If any local authority is of opinion that the cleansing of any premises is necessary for preventing danger to health or for rendering such premises fit for occupation, it may cause an order (herein referred to as a cleansing-order) to be served on the owner or occupier of the premises requiring him to cleanse the same in the manner and within the time specified in the order in that behalf.

(2.) If the person on whom such cleansing-order is served does not comply therewith, the local authority may cause the premises to be cleansed in the manner specified in the order at the cost in all things of the owner or occupier.

(3.) Every person on whom a cleansing-order is served under this section who fails to comply therewith is liable on summary conviction to a fine of ten shillings for every day during which he continues to make default.

40. (1.) On receipt of a certificate by the Medical Officer of Health, or by the Engineer of a borough or county, or by any other officer of a local authority duly authorized in that behalf, to the effect—

(a.) That any premises within the district of a local authority are by reason of structural defects in such a state as to create a nuisance within the meaning of this Act; or

(b.) That any dwellinghouse is by reason of its situation or structure, or state of disrepair, or insanitary condition, dangerous to health or otherwise unfit for habitation; or

(c.) That any dwellinghouse is without an adequate supply of wholesome water as required by this Act; or

(d.) That any premises are without sufficient privy accommodation as required by this Act—

the local authority may, and shall if so required by the Board of Health, issue an order (hereinafter referred to as a closing-order), and cause the same to be served on the owner or occupier of such premises prohibiting the use of any such premises for human habitation or occupation until such repairs, alterations, or works as may be specified in the order have been carried out to the satisfaction of the local authority.

(2.) Notwithstanding anything in the foregoing provisions of this section, a local authority shall not, except by direction of the Director-General, issue a closing-order under this section unless it has first served on the owner or occupier a notice calling on him to effect or carry out any repairs, alterations, or works specified in that notice within a specified time and that notice has not been complied with.

41. (1.) Within fourteen days after the receipt of a closing-order under the last preceding section the owner or occupier of any premises may give notice of appeal to the local authority:

(2.) Every such appeal shall be heard and determined in a Magistrate's Court before a Stipendiary Magistrate alone, and the
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Court for the purpose of hearing and determining the appeal shall have all the powers vested in it in its ordinary civil jurisdiction.

(3.) The procedure for the institution, hearing, and determination of any such appeal in the Magistrate's Court shall be in accordance with regulations to be made under this Act, and, subject to such regulations or so far as they do not extend, shall be in accordance with the ordinary procedure of that Court.

(4.) In such proceedings the Magistrate's Court may award such costs as it deems just, either against the local authority or the appellant.

42. On any such appeal the Magistrate's Court may cancel the order, or may confirm it, either absolutely or subject to such conditions and modifications as the Court deems just, and the decision of the Court shall be final.

43. Pending the determination of an appeal as aforesaid in respect of a closing-order, such order shall be deemed to be suspended.

44. Every person being the owner or occupier of any premises in respect of which a closing-order is in force under this Act commits an offence who inhabits or occupies such premises or any part thereof, or permits or suffers any other person to inhabit or occupy any such premises or part thereof, and is liable on summary conviction to a fine of twenty pounds, and to a further fine of five pounds for every day during which such offence continues.

45. (1.) Where a local authority has failed to issue a closing-order when required so to do by the Board of Health, the Medical Officer of Health may, when authorized in that behalf by the Director-General, issue a closing-order, which shall have the same effect and be subject to appeal in the same manner as if it were a closing-order issued by the local authority.

(2.) All costs incurred by or against the Medical Officer of Health under this section shall be recoverable from the local authority as a debt due to the Crown, or may be deducted from any moneys payable out of the Public Account to that local authority.

46. (1.) So soon as the alterations, repairs, or works specified in a closing-order have been executed to the satisfaction of the Medical Officer of Health, or the Engineer or other authorized officer of the local authority, as the case may be, the local authority shall determine the order, and thereupon the order shall cease to have any force or effect.

(2.) Every person aggrieved by the refusal or failure of the local authority to determine a closing-order as herein provided shall have the same right of appeal as in the case of the making of a closing-order, and the Magistrate's Court shall have the same jurisdiction to hear and determine such appeal and to award costs as it has in the case of an appeal from the making of a closing-order.

47. On receipt of a certificate by the Medical Officer of Health, or by the Surveyor or Engineer of a borough or county, that any building or part of a building should be demolished as herein provided, on the grounds that—

(a.) Any repairs, alterations, or works required to be executed in connection with such building pursuant to a closing-
order issued under the foregoing provisions of this Act have not been so executed; or

(b.) Any such building or part thereof is in a condition unfit for use or occupation, or dangerous to the health either of the occupier or of any other person or persons—the local authority may, and shall if so required by the Board of Health, by requisition in writing require the owner of such premises to take down and remove the building or part thereof referred to in the requisition within such time as may be specified therein.

48. (1.) If the owner fails to comply with the requisition, any Magistrate's Court may, on the application of the local authority, make an order (herein referred to as a demolition order) that the building or part thereof be taken down and removed at the expense in all things of the owner, within such time as may be specified in the order.

(2.) Every application under this section shall be heard and determined in a Magistrate's Court before a Stipendiary Magistrate alone, and the Court for the purpose of hearing and determining the application shall have all the powers vested in it in its ordinary civil jurisdiction.

(3.) The procedure for the hearing and determination in the Magistrate's Court of an application under this section shall be in accordance with regulations to be made under this Act, and, subject to such regulations or so far as they do not extend, shall be in accordance with the ordinary procedure of that Court.

(4.) In such proceedings the Magistrate's Court may award such costs as it deems just, either against the local authority or the owner.

49. If the owner of any building fails to comply with a demolition order issued in respect thereof, or of any part thereof, he shall be liable on summary conviction to a fine of fifty pounds; and the local authority may take down and remove such building or part, and may recover from the owner in any Court of competent jurisdiction all costs and expenses incurred in connection therewith.

50. The local authority may destroy or sell or otherwise dispose of any materials taken from any building or part thereof pursuant to the last preceding section; and in the case of the sale of any such materials may apply the proceeds thereof, or any part of such proceeds, towards the expenses of the demolition or removal of the premises, and the surplus, if any, shall be paid to the owner.

51. Every person being the owner or occupier of any premises in respect of which or of part of which a requisition under section forty-seven hereof is made commits an offence who inhabits or occupies such premises or part thereof, or permits or suffers any other person to inhabit or occupy such premises or part, and is liable on summary conviction to a fine of twenty pounds, and to a further fine of five pounds for every day during which such offence continues:

Provided that in cases where application is made to the Magistrate's Court for a demolition-order no offence shall be deemed to have been committed under this section by reason of the occupation of the premises or part thereof prior to the date of such order.
52. (1.) Where a local authority has failed to issue a requisition to take down and remove any building or part thereof when required so to do by the Board of Health, the Medical Officer of Health may, if authorized in that behalf by the Director-General, issue a requisition, which shall have the same effect as if it were a requisition issued by the local authority, and any Magistrate's Court may issue a demolition-order in respect thereof accordingly.

(2.) If a local authority, having issued a requisition as aforesaid, has failed to apply for a demolition-order where the requisition has not been complied with, the Medical Officer of Health may, if authorized in that behalf by the Director-General, issue a further requisition or apply for a demolition-order without further requisition, and any Magistrate's Court may issue a demolition-order in respect of such requisition or application accordingly.

(3.) All costs incurred by or against the Medical Officer of Health under this section shall be recoverable from the local authority as a debt due to the Crown, or may be deducted from any moneys payable out of the Public Account to that local authority.

53. (1.) No person shall use in the erection of any building or part of a building any timber or other materials that have been used in other building unless—

(a.) On the certificate of the local authority of the district in which such last-mentioned building was situated that such materials are in a sanitary condition; and

(b.) On the certificate of the local authority of the district in which it is intended so to use such materials that such materials are fit for the purpose for which it is intended to use the same.

(2.) Every person who uses any materials in contravention of this section is liable to a fine of twenty pounds, and on the certificate of the Medical Officer of Health that the materials are in an insanitary condition the local authority may cause the same to be taken down and removed or destroyed without complying with the foregoing provisions of this Act as to the taking down and removal of buildings.

Offensive Trades.

54. (1.) It shall not be lawful to establish any offensive trade within the district of any local authority, except with the consent in writing of the local authority and the Medical Officer of Health.

(2.) For the purposes of this section a person shall be deemed to establish an offensive trade who recommences an offensive trade in any premises after a period of disuse not less than two years.

55. (1.) After the expiry of six months from the commencement of this Act no person shall carry on any offensive trade, except on premises registered by the local authority in accordance with regulations under this Act in that behalf.

(2.) Any local authority may, in its discretion, refuse to register or to renew the registration of any premises under this section.

(3.) Any person aggrieved by such refusal may within three months thereafter appeal, by notice in writing addressed to the Minister, to a Board of Appeal consisting of a Stipendiary Magistrate
(who shall be the Chairman) and two assessors appointed by the Minister.

(4.) One such assessor shall be appointed on the recommendation of the local authority, and the other on the recommendation of the person appealing.

(5.) The provisions of section twenty-three of this Act shall, with the necessary modifications, apply in respect of a Board of Appeal constituted under this section.

56. (1.) Every person who in breach of this Act establishes an offensive trade, or extends any premises used for the purposes of or in connection with an offensive trade, or carries on an offensive trade elsewhere than in premises registered under the last preceding section, is liable on summary conviction to a fine of fifty pounds.

(2.) Every person who carries on any offensive trade established in breach of this Act, or in premises extended in breach of this Act, or in any unregistered premises, is liable on summary conviction to a fine of five pounds for every day on which he carries on such trade, whether there has or has not been a conviction in respect of the establishment of the trade or the extension of the premises.

Animals.

57. Any local authority may, and if directed by the Board of Health shall, by by-law define areas within its district within which it shall be unlawful to erect or establish or maintain stables or cow-sheds or piggeries, or within which it shall be unlawful to keep animals of any specified species.

58. (1.) It shall not be lawful to establish any cattle-saleyards within the district of any local authority, or to extend any cattle-saleyard, except with the consent in writing of the local authority and the Medical Officer of Health.

(2.) For the purposes of this section a person shall be deemed to establish a cattle-saleyard who uses any premises as such saleyard after a period of disuse of not less than two years.

(3.) For the purposes of this section the term “cattle-saleyard” means any premises used as a saleyard for cattle, horses, sheep, or swine.

59. (1.) After the expiry of six months from the commencement of this Act no person shall use any premises as a cattle-saleyard unless such premises are registered by the local authority as such in accordance with regulations under this Act in that behalf.

(2.) Any local authority may refuse to register or to renew the registration of any premises used as a cattle-saleyard if the Medical Officer of Health has certified that the premises are maintained in an insanitary condition, and if the owner or occupier of the premises has thereafter failed to comply with a requisition from the local authority requiring the execution of such sanitary improvements as the Medical Officer of Health deems necessary:

Provided that any person aggrieved by the refusal of a local authority to register or to renew the registration of any premises under this section may appeal to the Board of Health, whose decision shall be final.
60. Every person who in breach of this Act establishes any cattle-saleyard, or extends any premises used as a cattle-saleyard, or uses any unregistered premises as a cattle-saleyard, is liable on summary conviction to a fine of fifty pounds.

Pollution of Watercourses, &c.

61. (1.) Every person commits an offence and is liable on summary conviction to a fine of one hundred pounds who directly or indirectly pollutes so as to be dangerous to health, or offensive, or unfit for domestic use, the water-supply of the district of any local authority, or any portion of that supply.

(2.) Every person commits an offence and is liable on summary conviction to a fine of one hundred pounds who directly or indirectly pollutes any watercourse that passes through a borough or town district (whether or not such watercourse forms part of the water-supply of the borough or town district) unless he satisfies the Court that no part of the watercourse within the limits of the borough or town district is thereby rendered dangerous to health or offensive.

62. (1.) The Governor-General may, if he thinks fit in the interests of public health, by notice in the Gazette, place any specified watercourse, stream, lake, or other source of water-supply, or any specified portion thereof, under the control of any local authority for the purpose of preventing the pollution thereof, notwithstanding that it may not be within the district of that local authority or on land belonging to that local authority, and every such notice shall, unless and until it is in like manner revoked, have effect according to its tenor.

(2.) Subject to the foregoing provisions of this section, every local authority shall for the purposes of this Act have control of all watercourses, streams, lakes, or other sources of water-supply within its district.

63. (1.) Where the Medical Officer of Health certifies in writing to a local authority that any watercourse, stream, lake, or other source of water-supply, or any portion thereof, under the control of that local authority for the purposes of this Act is so polluted that the water therein or therefrom is dangerous to health, the local authority shall forthwith cease to supply or permit to be used for domestic purposes water from such source or portion thereof, as the case may be, and shall not supply or permit to be used any such water so long as the certificate of the Medical Officer of Health remains in force.

(2.) Any certificate by a Medical Officer of Health under this section may be at any time revoked so soon as the Medical Officer of Health is satisfied that the water from the source or portion thereof referred to in the certificate is no longer dangerous to health.

64. (1.) If a local authority fails to comply with any of the provisions of the last preceding section, the Director-General may, at the expense in all things of the local authority, cause all necessary measures to be taken for preventing the use of water from any polluted source of water-supply, and for remedying any dangerous condition of that water-supply.
(2.) All expenses incurred by the Director-General under this section, together with an additional amount not exceeding five per centum thereof, may be recovered from the local authority as a debt due to the Crown, or may be deducted from any moneys payable out of the Public Account to that local authority.

65. The provisions of sections sixty-three and sixty-four of this Act shall not apply to the waters of Lake Takapuna or to the Board constituted by section one hundred of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913, as amended by section twenty-five of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915.

Sanitation of Maori Settlements.

66. (1.) The Governor-General may from time to time, by notice in the Gazette and Kahiti, declare any district constituted under the Maori Councils Act, 1900, to be a special district for the purposes of this section, and may in like manner at any time abolish any such district.

(2.) The Maori Council of the district so declared to be a special district shall for the purposes of this section be known as the Health Council of the special district.

(3.) The Health Council aforesaid shall have general advisory functions with respect to matters relating to the health of the Maori inhabitants of the district, and shall have such powers and duties in relation thereto as the Director-General may approve or as the Governor-General may by regulations prescribe.

(4.) Every Health Council may, with the approval of the Director-General or of the Director of the Division of Maori Hygiene, direct that any village committee appointed pursuant to section five of the Maori Councils Amendment Act, 1903, shall carry out such sanitary works and enforce such by-laws relating to health and sanitation as the Health Council may specify.

(5.) Any moneys provided by a Health Council or village committee for the purposes of carrying out any sanitary works under this section may be subsidized, at a rate not exceeding one pound for one pound, out of moneys appropriated for Native purposes by the Civil List Act, 1920.

(6.) Subject to the provisions of the last preceding subsection, the expenses of the administration of this section by the Health Councils and village committees, and the cost of any sanitary works executed pursuant to this section, may be paid out of moneys appropriated by Parliament for the purpose.

By-laws.

67. (1.) Every local authority may, for the purposes of this Act, make by-laws for all or any of the following matters, namely:

(a.) Conserving public health, and preventing or abating nuisances:

(b.) Prescribing the minimum area of land on which a dwelling may be erected in the district of the local authority or any specified part thereof:
(c.) Prescribing the minimum air-space adjacent to any dwelling or to any specified class of dwelling that shall be kept free of buildings or other structures, and generally for preventing the overcrowding of land with buildings:

(d.) Prescribing for buildings a minimum frontage to a public or private street or road:

(e.) Providing for the inspection of any land or premises for the purposes of this Act:

(f.) With respect to the site, erection, and construction of buildings, including the lighting, ventilation, and air-space of rooms for human habitation:

(g.) Regulating drainage and the collection and disposal of sewage, and prescribing conditions to be observed in the construction of approved drains, septic-tanks, sanitary conveniences, and sanitary appliances:

(h.) Regulating, licensing, or prohibiting the keeping of any animals or birds in the district or in any part thereof:

(i.) With respect to the cleansing and repairing of buildings, and the paving and sanitation of yards and other areas appurtenant to buildings:

(j.) With respect to hotels, lodginghouses, boardinghouses, tenement-houses, or other premises occupied by the members of more than one family for any of the following matters:—

   (i.) The minimum floor-space and the minimum height of the walls and ceiling of any room used for cooking operations or as a bedroom, and the minimum air-space to be provided for every occupant of any such bedroom;

   (ii.) The supply of water for any such premises;

   (iii.) The sanitary conveniences to be provided; and

   (iv.) The proper lighting and ventilation of any rooms in such premises:

(k.) Prohibiting or regulating the deposit on any land of refuse or offensive matter:

(l.) Regulating the situation and construction of stables, cow-sheds, and piggeries:

(m.) Regulating the collection, transportation, and disposal of nightsoil, rubbish, waste matter, and refuse:

(n.) Regulating the mode of disposal of dead animals:

(o.) Regulating the handling and storage of goods which are or are likely to become offensive:

(p.) Regulating the situation and structure of buildings used for or in connection with offensive trades:

(q.) Regulating the conduct of offensive trades, and of manufactures and processes which may be offensive or dangerous to the persons employed in or about the same:

(r.) Regulating the situation, construction, and sanitation of cattle-saleyards:

(s.) Regulating and prescribing the cleansing and renovation of public conveyances:
(t.) Prescribing the sanitary precautions to be adopted in respect to any business or trade:

(u.) For preventing the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin:

(v.) Making provision for the proper cleansing, ventilation, sanitation (including the provision of sanitary conveniences available for the use of the public), and disinfection of theatres, halls, churches, and other places of public resort, and requiring such places to be closed for admission to the public at such intervals and during such periods as may be deemed necessary to enable such cleansing, ventilation, and disinfection to be effectively undertaken:

(w.) For the protection from pollution of food intended for human consumption and of any water-supply:

(x.) Regulating the sending-forth of smoke from the funnels of ships, and from chimneys other than the chimneys of private dwellings:

(y.) Generally, for the more effectually carrying out of any of the provisions of this Act relating to the powers and duties of local authorities.

(2.) The powers conferred by this section are in addition to and not in substitution for the powers conferred on any local authority by any other Act.

68. (1.) Any by-law made under this Act may apply generally throughout the district of the local authority, or within any specified portion or portions thereof.

(2.) A by-law may apply to any building, land, work, or property under the control of the local authority, although not situated within the district of that local authority.

69. (1.) Any by-law providing for the licensing of persons or things may prescribe the payment of license fees.

(2.) Any by-law may prescribe the payment of fees for inspection and other services by servants or officers or agents of the local authority.

(3.) Every fee payable under a by-law shall constitute a debt recoverable by action in any Court of competent jurisdiction at the suit of the local authority.

70. (1.) Any by-law made by a local authority under this Act may provide for the breach thereof a fine not exceeding twenty pounds, and every such fine shall be recoverable on summary conviction.

(2.) Except where otherwise provided by any by-law in that behalf, every person who commits a breach of any by-law made by a local authority under this Act shall be liable on summary conviction to a fine not exceeding five pounds.

71. (1.) A local authority may, after the conviction of any person for the continuing breach of any by-law made by that local authority, apply to the Supreme Court for an injunction, whether mandatory or otherwise, to prevent the further continuance of such breach by the person so convicted, and the Supreme Court may, in its discretion, issue an injunction accordingly.
(2.) The continued existence in a state contrary to any by-law of any work or thing shall be deemed to be a continuing breach of the by-law within the meaning of this section.

72. The local authority shall cause printed copies of all its by-laws under this Act to be kept at its office, and to be sold at a reasonable price to any person who applies for the same.

73. (1.) All by-laws made by a local authority under this Act shall be made in the same manner in all respects as if they were by-laws made pursuant to its local governing Act.

(2.) A copy of all by-laws proposed to be made under this Act shall be forwarded to the Medical Officer of Health for submission to the Director-General at least twenty-eight days before such by-laws are confirmed or come into force.

Special Provisions as to Powers of Harbour Boards.

74. (1.) Every Harbour Board within the meaning of the Harbours Act, 1908, shall with respect to any wharves or tidal lands or tidal waters under its control, and not within the district of any local authority, have all the duties and powers of a local authority under this Act with respect to the following matters, that is to say:—

(a.) The prevention and abatement of nuisances on any wharves or tidal lands or tidal waters within the harbour:
(b.) The disposal of refuse and other offensive matter from any wharves or tidal lands, or from any ships for the time being in the harbour:
(c.) The provision and maintenance of sanitary conveniences for the use of the public on any such wharves or tidal lands.

(2.) The powers conferred on Harbour Boards by this section include the power to make by-laws with respect to any of the matters aforesaid, and the foregoing provisions as to by-laws shall, so far as applicable, apply to by-laws made by a Harbour Board accordingly.

PART III.

Infectious and Notifiable Diseases.

75. (1.) In the event of the outbreak of any infectious disease the Medical Officer of Health may, with the authority in writing of the Minister, exercise any of the following powers:—

(a.) He may take possession of and occupy and use such lands and buildings, whether public or private, as in his opinion are required for the accommodation and treatment of patients;
(b.) He may, by requisition in writing served on the owners or other persons for the time being in charge of any vehicles, require the exclusive use of such vehicles for the conveyance of patients, or of persons in attendance on patients, or otherwise for use in connection with the outbreak of disease as aforesaid; and
(c.) He may, by requisition in writing served on the occupier of any premises or on any person for the time being in charge of any premises, require to be delivered to him or in
accordance with his order such drugs and articles of food or drink, and such other materials, as he deems necessary for the treatment of patients.

(2.) Every person who suffers any loss or damage by the exercise of any of the powers conferred on the Medical Officer of Health by this section shall be entitled to compensation to be determined in case of dispute by a Stipendiary Magistrate, whose decision shall be final.

(3.) Every person who refuses or fails to comply with any requisition under this section, or who counsels, procures, aids, or incites any other person so to do, or who interferes with or obstructs the Medical Officer of Health or any person acting under the authority of the Medical Officer of Health in the exercise of any powers under this section, shall be liable on summary conviction before a Stipendiary Magistrate to a fine of fifty pounds.

76. (1.) The Medical Officer of Health may from time to time, if authorized so to do by the Minister, exercise the following special powers for the purpose of preventing the outbreak or spread of any infectious disease:

(a.) He may declare any land, building, or thing to be insanitary, and may prohibit the use for any specified purpose of any such land, building, or thing:

(b.) He may cause any insanitary building to be pulled down, and the timber and other materials thereof to be destroyed or otherwise disposed of as he thinks fit:

(c.) He may cause insanitary things to be destroyed or otherwise disposed of as he thinks fit:

(d.) He may cause infected animals to be destroyed in such manner as he thinks fit:

(e.) He may require persons to report themselves or submit themselves for medical examination at specified times and places:

(f.) He may require persons, places, buildings, ships, animals, and things to be isolated, quarantined, or disinfected as he thinks fit:

(g.) He may forbid persons, ships, animals, or things to come or be brought to any port or place in the health district from any port or place which is or is supposed to be infected with any infectious disease:

(h.) He may forbid persons to leave the health district or the place in which they are isolated or quarantined until they have been medically examined and found to be free from infectious disease, and until they have undergone such preventive treatment as he may in any such case prescribe:

(i.) He may forbid the removal of ships, animals, or things from the health district, or from one port or part thereof to another, or from the place where they are isolated or quarantined, until they have been disinfected or examined and found to be free from infection:

(j.) He may prohibit the keeping of animals or of any species of animal in any specified part of the health district:
(k.) He may forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water-supply:

(l.) He may use or authorize any local authority to use as a temporary site for a special hospital or place of isolation or quarantine ground any reserve or endowment suitable for the purpose, notwithstanding that such use may conflict with any trust, enactment, or condition affecting the reserve or endowment:

(m.) He may, by order published in a newspaper circulating in the health district, require all theatres and other places of public amusement, all bars and private bars in premises licensed for the sale of liquor under the Licensing Act, 1908, all billiard-rooms, all churches, reading-rooms, and public halls, and all other premises where people are accustomed to assemble for any purpose within the district, or within any defined area thereof, or any of such premises as aforesaid, to be closed for admission to the public either until further order or for any fixed period, and either absolutely or subject to such qualifications as he thinks fit:

(n.) He may, by order published in like manner, prohibit until further order or for any fixed period, and either absolutely or subject to such qualifications as he thinks fit, the congregation of people at any racecourse, recreation-ground, or other place within the health district:

(o.) He may, by order published in like manner, prohibit until further order or for a fixed period the attendance of children under the age of sixteen years in schools, Sunday schools, theatres, or places of public amusement within the district or within any defined area thereof; or he may, without the publication of such order, prohibit the admission of children under the age of sixteen years to any school, Sunday school, theatre, or place of public amusement.

(2.) The Medical Officer of Health, and any Inspector or other person authorized in that behalf by the Medical Officer of Health, may at any time, with or without assistants, enter on any lands, buildings, or ships, and inspect the same and all things thereon or therein; and may do, with respect to any persons, places, land, buildings, ships, animals, or things, whatever in the opinion of the Medical Officer of Health is necessary or expedient for the purpose of carrying out the foregoing provisions of this section.

(3.) In no case shall the Medical Officer of Health, or any Inspector or assistant or other person, incur any personal liability by reason of anything lawfully done by him under the powers conferred by this section.

77. (1.) Every person who in any way, directly or indirectly, by act or default—

(a.) Obstructs or hinders the Medical Officer of Health in the exercise of his functions and powers under the foregoing provisions of this Part of this Act, or obstructs or hinders
any Inspector or other person acting with the authority or by direction of the Medical Officer of Health; or

(b.) Does anything which the Medical Officer of Health in the exercise of the aforesaid functions and powers forbids to be done; or

(c.) Refuses, delays, or neglects to comply with any direction or requirement of the Medical Officer of Health in the exercise of the aforesaid functions and powers—

commits an offence, and is liable on summary conviction to a fine of fifty pounds, and in the case of a continuing offence to a further fine of fifty pounds for every day on which the offence is continued after the first day.

(2.) Any person who is isolated or quarantined by order of the Medical Officer of Health pursuant to the foregoing provisions of this Act, and who unlawfully leaves the place of isolation or quarantine, may be arrested by any officer of the Department or by any constable without warrant, and returned forthwith to the place of isolation or quarantine.

78. (1.) If an offence under the last preceding section consists in not doing any sanitary work or in failing to remedy any sanitary defect, then, irrespective of the fine to which the offender is liable, the Medical Officer of Health may himself cause the work to be done or the defect to be remedied at the expense in all things of the offender.

(2.) All such expenses shall be recoverable as a debt due to the Crown.

79. (1.) Every medical practitioner who becomes aware that any person professionally attended by him is suffering from a notifiable disease or from any sickness the symptoms of which create a reasonable suspicion that it is a notifiable disease—

(a.) Shall, in case of a notifiable infectious disease, forthwith inform the occupier of the premises and any person nursing or in immediate attendance on the patient of the infectious nature of the disease and the precautions to be taken, and shall forthwith furnish written notices in the prescribed form to the local authority of the district and to the Medical Officer of Health; and

(b.) Shall, in case of a notifiable disease other than a notifiable infectious disease, forthwith furnish notice in the prescribed form to the Medical Officer of Health.

(2.) Every medical practitioner who by post-mortem examination or otherwise becomes aware that any deceased person was affected with a notifiable disease shall forthwith furnish notice in the prescribed form to the Medical Officer of Health.

(3.) Any medical practitioner who fails to comply with the requirements of this section commits an offence, and is liable on summary conviction to a fine of ten pounds.

80. When any person is suffering from any sickness the symptoms of which create a reasonable suspicion that it is a notifiable infectious disease, it shall be the duty of the occupier or other person for the time being in charge of the premises in which such person is living to consult a medical practitioner, or to notify...
Master of vessel in port to notify Port Health Officer of existence of infectious disease.

81. When any person on board a ship in any harbour is suffering from any sickness the symptoms of which create a reasonable suspicion that it is a notifiable infectious disease, it shall be the duty of the master of such ship to notify the Port Health Officer of the existence of such disease.

82. The Medical Officer of Health, or any medical practitioner authorized in that behalf by the Medical Officer of Health or by the local authority of the district, may at all reasonable times enter any premises in which he has reason to believe that there is or recently has been any person suffering from a notifiable infectious disease or recently exposed to the infection of any such disease, and may medically examine any person on such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

83. If the death of any person is suspected to have been due to a notifiable disease and the facts relating to the death cannot with certainty be ascertained without a post-mortem examination, or if it is desirable for preventing the occurrence or spread of a notifiable disease that the facts relating to the death of any person should be ascertained, the Director-General of Health may order a post-mortem examination of the body of the deceased person to be made by a medical practitioner.

84. (1.) The Medical Officer of Health or any Inspector of Health, in any case where in the interests of the public health he thinks it expedient so to do, may make an order for the removal of any person suffering from any infectious disease to a hospital or other place where such person may be effectually isolated.

(2.) An order under this section shall be made in every case where the Medical Officer of Health or the Inspector is satisfied that the patient cannot, without removal, be effectually isolated or properly attended.

(3.) An order under this section may be executed by the Medical Officer of Health or the Inspector, or by any person authorized in that behalf by the Medical Officer of Health or the Inspector, and may be executed by force if necessary.

(4.) Every person who wilfully disobeys an order under this section, or who obstructs or delays or in any way interferes with the prompt execution thereof, commits an offence, and is liable to a fine of twenty pounds.

85. (1.) Every person commits an offence and is liable to a fine of ten pounds who—
(a.) While to his own knowledge suffering from any infectious disease, wilfully is in any public place without having taken proper precautions against the spread of infection; or
(b.) While in charge of any person suffering as aforesaid, takes him into or allows him to be in any public place without having taken proper precautions against the spread of infection; or
(c.) While suffering as aforesaid, enters any public conveyance; or, while in charge of any person so suffering, takes him
into any public conveyance without in every such case notifying the driver or conductor of the fact; or

(d.) Being the owner, driver, or conductor of a public conveyance, fails or neglects to disinfect the conveyance, or cause the same to be disinfected, forthwith after it has to his knowledge been entered by any person suffering as aforesaid.

(2.) If an offence under this section relates to a public conveyance, the convicting Court shall order the defendant (not being the owner, driver, or conductor) to pay to the owner of the conveyance the expenses incurred in disinfecting the same.

(3.) For the purposes of this section the term "public place" has the same meaning as in Part II of the Police Offences Act, 1908.

86. (1.) Every person commits an offence and is liable to a fine of ten pounds who—

(a.) Lends, sells, transmits, or exposes any things which to his knowledge have been exposed to infection from any infectious disease, unless they have first been effectively disinfected, or proper precautions have been taken against spreading the infection; or

(b.) Lets for hire any house or part of a house to be shared or occupied in common by or with any person who to his knowledge is suffering from any infectious disease; or

(c.) Lets for hire any house or part of a house in which there then is, or within the previous six months has been, any person to his knowledge suffering from any notifiable infectious disease, unless the house or part thereof, as the case may be, and all things therein liable to infection have been effectually disinfected to the satisfaction of a Medical Officer of Health before the person hiring goes into occupation; or

(d.) When letting or negotiating to let to any person for hire any house in which any person suffering from an infectious disease is then living, or any part of any such house, does not disclose that fact.

(2.) For the purposes of this section the keeper of a lodging-house or the licensee of any premises licensed under the Licensing Act, 1908, shall be deemed to let part of a house for hire to any person admitted as a guest or lodger to the lodging-house or licensed premises.

87. Where the local authority is of opinion that the cleansing or disinfection of any premises or of any article is necessary for preventing the spread or limiting or eradicating the infection of any infectious disease, the local authority may authorize any Inspector, with or without assistants, to enter on such premises, and to carry out such cleansing and disinfection.

88. (1.) Whenever the Medical Officer of Health is of opinion that the cleansing or disinfection of any premises or of any article is necessary for preventing the spread or limiting or eradicating the infection of any infectious disease, or otherwise for preventing danger to health, or for rendering any premises fit for occupation, he may, by
notice in writing, require the local authority of the district to cleanse or disinfect such premises or article within a time specified in the notice.

(2.) On receipt of a notice under the last preceding subsection it shall be the duty of the local authority, within the time specified in the notice in that behalf, to cleanse and disinfect such premises or article accordingly.

(3.) If the local authority fails to carry out any work within the time specified in the notice, or in any other case where the Medical Officer of Health thinks fit so to do, the Medical Officer of Health may authorize any Inspector, with or without assistants, to enter on any premises and to carry out such disinfection and cleansing, and the cost of such disinfection or cleansing shall be recoverable from the local authority as a debt due to the Crown.

89. Where any article dealt with by a local authority or any Inspector under either of the two last preceding sections is of such a nature that it cannot be effectually disinfected, the local authority or Inspector may cause such article to be destroyed.

90. The cost of any disinfection or cleansing under section eighty-seven or section eighty-eight hereof shall be recoverable as a debt by any local authority from the owner or occupier of the premises, or from the owner of the article or articles.

91. (1.) Any local authority may, and when so required by the Board of Health shall, either separately or jointly with any other local authority or local authorities or with a Hospital Board,—

(a.) Provide, equip, and maintain places for the reception of dead bodies (hereinafter referred to as mortuaries) pending the carrying-out of any post-mortem examination or until removal for interment:

(b.) Provide, equip, and maintain disinfecting and cleansing stations, plant, equipment, and attendance for the cleansing of persons and for the disinfection of bedding, clothing, or other articles which have been exposed to or are believed to be contaminated with the infection of infectious disease, or which are dirty or verminous:

(c.) Provide vehicles for the conveyance of infected articles and any other accommodation, equipment, or articles required for dealing with any outbreak of infectious disease:

(d.) Provide disinfectants and deodorants for public use.

(2.) No building shall be erected or maintained under the foregoing provisions of this section as a mortuary or as a disinfecting or cleansing station unless the plans and specifications and the site thereof have been approved by the Director-General.

92. When any person has died of an infectious disease, the undertaker or other person having charge of the funeral of the deceased shall forthwith, after having been informed of the cause of death and before the removal of the body from the building or other place in which it may then be, give to the Medical Officer of Health notice in the prescribed form and manner of the fact of the death and the cause thereof.

93. (1.) Where the body of any person who has died is in such a state as to be dangerous to health, the Medical Officer of Health
may order the body to be buried forthwith, or within a time limited in the order, and may, if he thinks fit, order the body, pending burial, to be removed to the nearest mortuary.

(2.) If the order is not complied with, it shall be the duty of the local authority to cause the body to be buried forthwith or to be removed to a mortuary for the purpose of being thence buried.

(3.) Any order under this section may be complied with on behalf of and at the cost of the local authority by any Inspector of Health or any constable, or any person authorized in that behalf by the Medical Officer of Health or Inspector.

(4.) If the body is removed to the mortuary, it shall be the duty of the local authority to cause it to be buried.

(5.) The expenses of the removal and burial of the body by the local authority may be recovered by the local authority in a summary way from any person legally liable to pay the expenses of the burial.

(6.) Every person who in any way prevents or obstructs the due and prompt execution of any order under this section or of any of the powers exercisable under this section is liable to a fine of ten pounds.

94. (1.) In every case where any building, animal, or thing is destroyed by or by order of the Medical Officer of Health, or an Inspector of Health, or of any local authority, pursuant to the powers conferred by this Part of this Act, every person injuriously affected thereby shall, subject to the provisions of this section, be entitled to compensation as herein provided.

(2.) The compensation shall not exceed the actual market value of the building, animal, or thing in respect of which the claim is made.

(3.) If the destruction has been rendered necessary by reason of any breach or neglect of duty or of the ordinary rules of sanitary carefulness or cleanliness on the part of the claimant, or of any person for whose acts or default the claimant is responsible, then no compensation shall be payable.

(4.) If the destruction has been rendered necessary by reason of any such breach or neglect as aforesaid on the part of the local authority, the compensation shall be payable by that local authority.

(5.) If the destruction has been rendered necessary in the interests of public health, and without any such breach or neglect as aforesaid, the compensation shall be payable out of moneys to be appropriated by Parliament for the purpose.

(6.) All questions and disputes relating to claims for compensation shall be heard and determined by a Magistrate alone, whose decision shall be final.

PART IV.

QUARANTINE.

95. The Governor-General may from time to time declare any portion of a harbour to be a place of inspection to which ships liable to quarantine shall be taken while awaiting inspection under this Part of this Act by the Port Health Officer.
96. The Governor-General may from time to time declare any portion of a harbour to be a quarantine ground to which ships shall be taken for the purpose of performing quarantine.

97. The Governor-General may from time to time declare any place on land or sea to be a quarantine station for the performance of quarantine by persons.

98. The Governor-General may from time to time declare any place in New Zealand or elsewhere to be an infected place on the ground that such place is infected with an infectious disease within the meaning of this Act.

99. Any Proclamation under any of the foregoing provisions of this Part of this Act may be at any time in like manner revoked, and thereupon the place proclaimed shall cease to be a place of inspection, or a quarantine ground, or a quarantine station, or an infected place, as the case may be.

100. The following ships shall be liable to quarantine, that is to say:

(a.) Every ship arriving in New Zealand from a place beyond the seas;
(b.) Every ship arriving at any port in New Zealand from any infected place in New Zealand;
(c.) Every ship on board which any infectious disease, or any disease reasonably believed or suspected to be an infectious disease, has broken out or been discovered; and
(d.) Every other ship which is ordered into quarantine by the Port Health Officer.

101. The following persons shall be liable to quarantine, that is to say:

(a.) Every person who is on board a ship liable to quarantine;
(b.) Every person on board any ship and suffering from any communicable disease; and
(c.) Every person who on any ship or quarantine station has been in contact with any other person liable to quarantine or has been exposed to the infection of an infectious disease.

102. The following goods shall be liable to quarantine, that is to say:

(a.) All goods on board any ship liable to quarantine, or which have been on board any such ship; and
(b.) All goods which on any ship or quarantine station have been exposed to the infection of an infectious disease.

103. (1.) All ships liable to quarantine as aforesaid shall continue to be so liable until pratique has been granted or until they are released from quarantine as herein provided.

(2.) All persons and goods liable to quarantine as aforesaid shall continue to be so liable until released as herein provided.

104. If and so long as a ship is liable to quarantine it shall not be lawful, save in the case of urgent necessity due to a marine casualty or other like emergency, or save with the written authority of the Port Health Officer,—

(a.) For the master, pilot, or other officer in charge of the navigation of that ship to bring or allow her to be
brought to any wharf or other landing-place, or to any part of a harbour other than a place of inspection proclaimed as such under the foregoing provisions of this Part of this Act:

(b.) For any person other than a Port Health Officer and his assistants, or a Medical Officer of Health, or a pilot, to go on board that ship:

(c.) For any person other than a Port Health Officer and his assistants or a Medical Officer of Health to leave that ship:

(d.) For any goods, mails, or other articles whatever to be landed or transhipped from that ship:

(e.) For any boat, launch, or other vessel other than one in the service of the Harbour Board or the Health Department to be brought within fifty yards of that ship.

105. The master of every ship liable to quarantine shall hoist the prescribed quarantine signal at the mainmast-head of his ship before she comes within one league of any port at which she is about to call, and shall keep such signal so hoisted until pratique is granted or the ship is released from quarantine.

106. (1.) A Port Health Officer shall, before granting pratique to any ship liable to quarantine, board that ship within the prescribed hours and there inspect every person on board so far as may be necessary for the purpose of ascertaining the existence on that ship of any communicable disease, and it shall be the duty of every such person to present himself before the Port Health Officer and to submit to such inspection accordingly.

(2.) It shall be the duty of the master of every such ship to facilitate by all reasonable means the boarding of the vessel by the Port Health Officer, and the performance of his duties under this section.

107. (1.) It shall be the duty of the master of every ship from beyond the seas to make out and deliver to the Port Health Officer a report in the prescribed form as to any sickness, whether infectious or not, which may exist on board, or which may have existed on board within two months before the arrival of the ship in New Zealand, and as to the places from which the ship has come or at which she has touched in the course of her voyage, and as to any other matters which are or may be supposed to be material with regard to the grant of pratique.

(2.) It shall also be the duty of the master of every such ship, and of the medical officer, if any, in the service of such ship, to answer all questions put to him by the Port Health Officer as to any sickness as aforesaid or as to any other matters which are or may be supposed to be material with regard to the grant of pratique.

(3.) Every report under this section shall be signed by the master, and if the ship carries a medical officer shall be signed by the medical officer also.

(4.) If the master of the ship or any such medical officer in the service of the ship refuses or fails to make, sign, or deliver any report as required by subsection one hereof, or refuses to answer any question put to him as aforesaid, or answers any such question in an
erroneous, imperfect, or misleading manner, or gives to the Port Health Officer in reply to any such question or in any report aforesaid any information of an erroneous or misleading character touching any of the matters aforesaid, he shall be guilty of an offence against this Act, and shall be liable to a fine of one hundred pounds.

(5.) If the master of such ship or any such medical officer in the service of that ship, or any other person whatever, wilfully deceives or attempts to deceive a Port Health Officer as to any matter whatever with intent to obtain pratique, or with intent to influence in any other respect the exercise by a Port Health Officer of his authority under this Part of this Act, he shall be guilty of an offence against this Act, and shall be liable to a fine of one hundred pounds.

108. The master of a ship which has arrived at any port from an infected place within New Zealand shall not suffer or permit such ship to be moored or berthed at any place other than at an inspection-ground, unless and until otherwise instructed by the Port Health Officer.

109. The master of any ship arriving in any port of New Zealand from any other such port (not being an infected place) shall not suffer or permit such ship to be moored or berthed otherwise than at an inspection-ground, unless or until he is otherwise instructed by the Port Health Officer, if there is on board that ship any notifiable infectious disease or any disease reasonably believed or suspected to be a notifiable infectious disease.

110. If on inspection and inquiry and after receipt of the report required to be given pursuant to section one hundred and seven hereof the Port Health Officer is satisfied, with respect to any ship liable to quarantine, that no infectious disease exists on board the ship, and that no person on board the ship has been so recently exposed to infection that he may suffer from an infectious disease in consequence, he shall grant to the master of the ship a certificate of pratique in the prescribed form, and thereupon the ship shall cease to be liable to quarantine accordingly.

111. (1.) If any person liable to quarantine is ordered into quarantine as hereinafter provided he may be removed to and detained in a quarantine station until released by the Medical Officer of Health.

(2.) If any such person is not ordered into quarantine, and is found to be suffering from any communicable disease or has been so recently exposed to the infection of an infectious disease that he may suffer from an infectious disease in consequence,—

(a.) He may be removed to and detained in any hospital or place of isolation until released by order of the Medical Officer of Health; or

(b.) He may be detained on board the ship while such ship is in port, or until he is released by order of the Medical Officer of Health; or

(c.) He may, by order of the Director-General, be released under medical surveillance, subject to such conditions as may be prescribed, or as the Director-General may determine; or

(d.) He may be released after undergoing such preventive treatment as may be prescribed, or as the Director-General may determine.
112. The Port Health Officer may, by order in writing served on the master, order into quarantine any ship liable to quarantine if in his opinion there is or is likely to be on board that ship any infectious disease.

113. When any ship is ordered into quarantine as aforesaid she shall be subjected to quarantine in such places, for such time, and in such manner as may be directed by the Port Health Officer or other authorized officer in accordance with regulations under this Act.

114. The master of any ship ordered into quarantine as aforesaid who refuses or fails to comply with the order within the time therein limited in that behalf, or if no such time is so limited, then within a reasonable time after service of the order, is liable on summary conviction to a fine of five hundred pounds or to imprisonment for twelve months.

115. (1.) The Port Health Officer may, by order in writing, order into quarantine any person liable to quarantine if in his opinion such person is suffering from an infectious disease, or may be carrying the infection of an infectious disease, or has been so recently exposed to infection that he may suffer from an infectious disease in consequence.

(2.) An order under this section may be served either on the master of the ship, or on the person so ordered into quarantine, or on any person having charge of such person.

116. Every person ordered into quarantine as aforesaid shall be subjected to quarantine in such places, for such time, and in such manner as may be directed by the Port Health Officer or other authorized officer in accordance with regulations under this Act.

117. (1.) Every person who is liable to quarantine or who is ordered into quarantine under this Act commits an offence, and is liable to a fine of one hundred pounds or to imprisonment for three months, who—

(a.) Leaves the ship, save with the authority of the Port Health Officer or for the purpose of complying with an order for quarantine; or

(b.) Leaves any quarantine station or other place in which he may be lawfully detained for the purposes of this Part of this Act, save pursuant to the authority of the Port Health Officer or the Medical Officer of Health; or

(c.) Refuses or fails to comply faithfully with the order for quarantine or with any other order for his detention, or for his release subject to medical surveillance, under this Act, or with any prescribed conditions relating to such quarantine, detention, or release.

(2.) Every person who in breach of this Act leaves any ship, quarantine station, or other place prescribed for the performance of quarantine or for detention or isolation under this Part of this Act may be arrested without warrant by an officer of police or by any other person authorized in that behalf by the Port Health Officer or the Medical Officer of Health, and may be taken in custody to the ship or to any quarantine station or other place appointed for the performance of quarantine or appointed as a place of detention or isolation under this Part of this Act.
118. If the master of a ship permits any person who is liable to quarantine, or who has been ordered into quarantine, or who has been ordered to be detained on that ship, to leave that ship, save pursuant to the authority of the Port Health Officer or the Medical Officer of Health, he shall be liable to a fine of one hundred pounds or to imprisonment for three months.

119. (1.) The Port Health Officer may, by writing under his hand, order into quarantine any goods liable to quarantine if in his opinion such goods are infected with an infectious disease.

(2.) An order under this section may be served on the master of the ship, or on the owner or consignee of the goods, or on any person having possession or custody of those goods.

120. All goods ordered into quarantine as aforesaid shall be subjected to quarantine in such places, for such time, and in such manner as may be directed by the Port Health Officer in accordance with regulations under this Act.

121. (1.) When any goods have been ordered into quarantine as aforesaid, and before such goods have been released from quarantine, it shall not be lawful for any person to land or tranship those goods or to remove the same from any quarantine station or other place appointed in that behalf by the Port Health Officer, save pursuant to the authority of the Port Health Officer or the Medical Officer of Health.

(2.) Every person who commits an offence against this section is liable to a fine of one hundred pounds.

122. If the master of any ship allows or permits any goods which are liable to quarantine or which have been ordered into quarantine to be removed from the ship, save pursuant to the authority of the Port Health Officer or the Medical Officer of Health, he shall be liable to a fine of one hundred pounds or to imprisonment for three months.

123. When any ship has been ordered into quarantine as hereinbefore provided, all persons and goods then on board shall be deemed to have been ordered into quarantine, and the foregoing provisions as to the quarantine of persons and goods shall apply accordingly, and it shall not be necessary for the Port Health Officer to make any further order for the quarantine of such persons or goods.

124. (1.) The Director-General may appoint such medical practitioners, nurses, and other persons as in his opinion are necessary for the effective care and treatment of any persons who may be undergoing quarantine under this Part of this Act.

(2.) All medical practitioners, nurses, and other persons appointed under this section shall be paid such fees or other remuneration as may be lawfully appointed in that behalf.

125. (1.) All fees and other remuneration payable under the last preceding section shall be paid in the first place out of the Consolidated Fund without further appropriation than this Act, and shall be recoverable as a debt due to the Crown from the owners or agents of the ship from which the persons were ordered into quarantine.

(2.) If so directed by the Minister of Finance, the Collector of Customs at any port shall not issue a certificate of clearance from
that port in respect of any ship unless and until all fees payable to the Crown under this section by the owners or agents of that ship have been duly paid.

126. (1.) It shall be the duty of the owners and agents of any ship to supply to persons in quarantine on that ship, or removed from that ship to a quarantine station or to any other place appointed for the performance of quarantine, such wholesome and suitable provisions and medicines, together with fuel for cooking and heating, as the Port Health Officer or the Medical Officer of Health directs or requires.

(2.) Any such provisions or supplies may be obtained by or by direction of the Port Health Officer or Medical Officer of Health, and may be paid for in the first place out of the Consolidated Fund without further appropriation than this section, and the cost thereof, together with any expenses incidental to the supply or delivery thereof, shall be recoverable as a debt due to the Crown from the owners or agents of the ship.

(3.) If so directed by the Minister of Finance, the Collector of Customs at any port shall not issue a certificate of clearance from that port in respect of any ship unless and until all moneys payable to the Crown under this section by the owners or agents of that ship have been duly paid.

127. If the Medical Officer of Health is satisfied that any ship, persons, or goods have been subjected to quarantine in accordance with this Part of this Act and the regulations thereunder and are free from the infection of any infectious disease, he may issue a certificate to that effect in the prescribed form, and thereupon such ship, persons, or goods, as the case may be, shall be deemed to have been released from quarantine.

128. (1.) Where in the opinion of the Port Health Officer any ship is in an insanitary condition or in a condition favourable to the outbreak or spread of any notifiable infectious disease, he may, whether such ship has been ordered into quarantine or not, serve or cause to be served on the master an order in writing signed by him that the ship be cleansed, fumigated, disinfected, or treated in such manner, within such time, and at such place as he may direct.

(2.) If the master of the ship refuses or fails to comply with any such order he shall be liable to a fine of one hundred pounds, and the Port Health Officer may cause the ship to be cleansed, fumigated, disinfected, or treated in accordance with the order or otherwise, at the expense in all things of the owners or agents thereof.

129. Any Port Health Officer may at any time board any ship in any port, and may require any person on board to submit to any prescribed examination, and may enter and inspect any part of the ship, and all animals and goods on board the ship, and may inspect the passenger-list and bill of health, and, with the authority in writing of the Director-General, may also inspect the log and other ship's papers.

130. (1.) Notwithstanding anything to the contrary in the Cemeteries Act, 1908, the body of any person who has died on any quarantine station may, with the approval in writing of the Medical Officer of Health, be buried on such quarantine station; and the
body of any person who has died on board any ship while in quarantine may be buried on any such station.

(2.) Any person may, with the permission of the Minister, erect on any quarantine station any monument or tombstone in accordance with a plan to be approved by the Minister in memory of any person whose body may be buried on that station as herein provided.

131. Every person who commits, or attempts to commit, or conspires to commit, or incites or aids any other person to commit, an offence against this Part of this Act for which no penalty is specially provided elsewhere than in this section is liable to a fine of fifty pounds.

PART V.

REGULATIONS.

132. (1.) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes, that is to say:

(a.) For the inspection, cleansing, purifying, disinfection, and isolation of ships, houses, buildings, yards, conveyances, drains, sewers, and things:

(b.) For the destruction of insanitary buildings and things:

(c.) Requiring the vaccination of persons for the prevention of smallpox, typhoid fever, and other diseases, and requiring the adoption of any other measures for the prevention and mitigation of disease:

(d.) For the provision of medical aid, transport, accommodation, and curative treatment of the sick:

(e.) For the transportation and disposal of the dead:

(f.) For the isolation, disinfection, and treatment of persons suffering from any infectious disease:

(g.) For the isolation or medical observation and surveillance of persons suspected to be suffering from any infectious disease, of persons in charge of or in attendance on persons suffering from any such disease, and of other persons who may have been exposed to the infection of any such disease:

(h.) For the prevention of the spread of any infectious disease by "contacts" or "carriers," and the keeping of such persons under medical surveillance, and the restriction of the movements and the preventive treatment of such persons:

(i.) Prescribing with respect to any infectious disease the period which shall for the purposes of this Act be deemed to be the period of incubation of that disease:

(j.) The clinical, chemical, bacteriological, and other examinations necessary to determine whether any person is suffering from disease, and whether any person who has been suffering from any infectious disease has ceased to be liable to convey infection:
(k.) The closing of schools or the regulation or restriction of school attendance to prevent or restrict the spread of infectious disease:

(l.) Prescribing the duties of parents or guardians of children who are suffering from, or have recently suffered from, or been exposed to the infection of, any infectious disease, and the duties of persons in charge of schools in respect of any such children:

(m.) Prescribing the accommodation to be provided in connection with boarding-schools, orphanages, or other like institutions for the reception of persons in attendance thereat or resident therein who may be suffering from infectious disease or who may be contacts within the meaning of this Act:

(n.) The regulation or restriction of the attendance of the public, or of any section of the public, at any place of public recreation or amusement or concourse, or the closing of any such places for admission to the public:

(o.) The regulation, restriction, or prohibition of the convening, holding, or attending of any public gatherings:

(p.) The regulation or restriction of traffic and the movements of persons within or from any area in which an infectious disease is prevalent:

(q.) The notification with respect to disease pursuant to this Act by medical practitioners or other persons, and prescribing the fees payable to medical practitioners in respect of such notifications:

(r.) For the destruction of rats, mice, and other vermin, whether on land or on board any ship in a New Zealand port; for the abolition or prevention of conditions favourable to vermin; and for preventing the migration of rats and mice from ships:

(s.) For the prohibition or regulation of the importation into New Zealand of any animal or thing likely to introduce or disseminate disease:

(t.) Securing and maintaining the cleanliness and efficient sanitation of ships, and preventing danger to health from overcrowding on any ship within any harbour in New Zealand, and for preventing the pollution of the waters of any harbour with offensive matter from any ship:

(u.) Prescribing the procedure to be adopted in the examination of ships arriving at any port in New Zealand, and the conditions subject to which pratique may be granted to such ships, and regulating the performance of quarantine:

(v.) Prescribing the measures of disinfection (including the disinfection of goods) to be adopted on any ship in regard to the presence or reported presence of infectious disease:

(w.) For the isolation and preventive treatment of persons arriving at any port in New Zealand who are or are suspected to be suffering from infectious disease or who are "contacts" within the meaning of this Act:
(x.) For the administration and control of quarantine stations and of persons therein:
(y.) Defining the duties under this Act of any medical practitioners, nurses, Inspectors, and other officers of the Department:
(z.) For the organization of local committees to assist in giving effect to the provisions of this Act in the event of epidemics of disease, and defining the powers of such committees:
(aa.) For the registration by local authorities of premises used as lodginghouses or eating-houses, or for the carrying-on of offensive trades, and the conditions subject to which registration may be granted or revoked:
(ab.) Prescribing the qualifications to be possessed by persons appointed as Sanitary Inspectors under this Act:
(ac.) For preventing the pollution, so as to be dangerous to health, of any river, stream, watercourse, or lake, whether used as a source of water-supply or not:
(ad.) Prescribing fines not exceeding fifty pounds in any case for the breach of any regulation:
(ae.) Generally for the purpose of carrying into effect the provisions of this Act, and for the conservation and promotion of the public health.

(2.) In addition to the powers hereinbefore conferred, the Governor-General in Council may make regulations for any matter affecting the public health in respect of which any local authority is by this or any other Act empowered to make by-laws.

(3.) Where any local authority has failed to make by-laws for any matter as aforesaid, or, having made such by-laws, has failed effectively to enforce them, and the Governor-General has made regulations under the authority conferred by the last preceding subsection in respect to such matter, such portion of the cost of the administration of those regulations as the Board of Health shall deem just and equitable shall be chargeable to the local authority, and may be recovered as a debt due to the Crown, or the amount thereof may be deducted from any subsidy or other moneys that may from time to time become payable to the local authority out of the Public Account.

133. (1.) All regulations made under the last preceding section shall be published in the Gazette.

(2.) Any such regulations may apply generally throughout New Zealand or within any specified part or parts thereof, and may from time to time be applied by the Minister by notice in the Gazette to any part of New Zealand, and any such notice may at any time in like manner be revoked.

(3.) The operation of any regulations published as aforesaid may, if so provided therein, be wholly suspended until they are applied by the Minister by notice pursuant to the last preceding subsection.

(4.) In so far as the by-laws of any local authority in force in any locality are inconsistent with or repugnant to any regulations under this Act in force in the same locality the by-laws shall be deemed to be subject to the regulations.
(5.) All regulations under this Act shall be laid before both Houses of Parliament within fourteen days after the gazetting thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.

PART VI.

MISCELLANEOUS.

134. For the purposes of this Act any Medical Officer of Health, or any Inspector or other person authorized in that behalf by the Medical Officer of Health or by any local authority, may at all reasonable times enter any dwellinghouse, building, land, ship, or other premises and inspect the same, and may execute thereon any works authorized under or pursuant to this Act.

135. Every person commits an offence against this Act and is liable to a fine of twenty pounds who obstructs, hinders, impedes, resists, or opposes any person in the execution of any powers conferred on him by or pursuant to this Act.

136. (1.) Any notice, requisition, order, or other document required to be served on any person for the purposes of this Act may be served by causing the same to be delivered to that person, or to be left at his usual or last known place of abode or business, or to be sent by registered letter addressed to such usual or last known place of abode or business.

(2.) If any notice, requisition, order, or other document as aforesaid is required to be served on the owner or occupier of any premises, and such owner or occupier or his place of abode or business is unknown, such document may be served by affixing the same on some conspicuous part of the premises.

(3.) Any notice, requisition, order, or other document served by post as aforesaid shall be exempt from postage if the envelope is marked "Notice under the Health Act."

137. (1.) If the occupier or agent of the owner of any premises, when requested by the Medical Officer of Health or any Inspector to state the name and address of the owner of the premises, refuses or wilfully omits to disclose or wilfully misstates the same, he is liable on summary conviction to a fine of five pounds.

(2.) If the owner of any premises, when requested by a Medical Officer of Health or any Inspector to state the name of the occupier of the premises, refuses or wilfully omits to disclose or wilfully misstates the same, he is liable on summary conviction to a fine of five pounds.

138. If in the performance of any duty imposed on him by this Act the owner of any premises is in any way obstructed or hindered by the occupier, or the occupier by the owner, the one who obstructs or hinders the other is liable to a fine not exceeding five pounds for every day on which he so obstructs or hinders.

139. Any medical practitioner or other officer authorized in that behalf by the Minister may at all reasonable times enter any public school and examine the children attending the school, and may notify the parents or guardians of any such child of any disease or bodily defect from which the child may be suffering.
140. (1.) All expenses incurred by or on behalf of a local authority in carrying out any of the provisions of this Act may be paid by the local authority out of its general funds.

(2.) In order to meet any such expenses the local authority may, whether before or after such expenses have been incurred, in addition to its other rating-powers, make and levy by resolution a separate rate of such amount as may be necessary.

(3.) Where such expenses are incurred for the benefit of portion only of the district of the local authority, any separate rate under this section may be made and levied on that portion only.

141. Except as may be otherwise provided in this Act, all expenses incurred by or on behalf of the Department in the administration of this Act shall be payable out of moneys appropriated by Parliament.

142. (1.) If any aged, infirm, incurable, or destitute person is found to be living in insanitary conditions, or without proper care or attention, a Stipendiary Magistrate may, on the application of the Medical Officer of Health, make an order for the committal of that person to any institution established under the Hospitals and Charitable Institutions Act, 1909, and available for the reception of such persons.

(2.) If any person in respect of whom an order is made under this section refuses to comply with that order, any Inspector under this Act or any constable may, without further warrant than this section, take that person and place him in the custody of the manager or other person in charge of such institution as aforesaid, who shall have authority to detain such person pursuant to the order of committal.

143. (1.) Where a local authority fails to construct, alter, or extend any sanitary works when required so to do pursuant to this Act, or otherwise fails to exercise any power or perform any duty under this Act, the Board of Health may itself construct, alter, or extend such works, or exercise any such power, and for that purpose may employ all such officers and servants as may be necessary.

(2.) All moneys expended by the Board of Health under this section shall be paid in the first instance out of the Public Works Fund without further appropriation than this Act.

(3.) All moneys so paid out of the Public Works Fund, together with reasonable costs in respect of administration, shall be recoverable as a debt due to the Crown from the local authority making default, or may be deducted from any moneys payable to that local authority out of the Public Account pursuant to any Act.

(4.) All moneys recovered from a local authority under this section in respect of the cost of administration shall be paid into the Consolidated Fund, and all other moneys so recovered shall be paid into the Public Works Fund.

144. Where by this Act any moneys are declared to be a charge on any land the following provisions shall apply:

(a.) If any question or dispute arises as to the fact or amount of the charge, or as to the land subject thereto, or as to the persons liable to pay the same, the question shall be determined in a summary manner by a Magistrate, whose decision shall be final.
(b.) Subject to the Magistrate's decision as aforesaid, a certificate under the hand of the Medical Officer of Health or of the Clerk of the local authority shall be sufficient evidence of the amount of the charge, the land subject to the charge, and the persons liable to pay the charge.

(c.) Such certificate, or, as the case may be, a certificate of the Magistrate's decision under the hand of the Magistrate, may be registered against the land affected thereby.

(d.) The charge shall be enforced and may be discharged in manner prescribed by regulations under this Act.

145. (1.) Every person who commits, or attempts to commit, or conspires to commit, or incites or aids any other person to commit, an offence against this Act for which no penalty is specially provided elsewhere than in this section is liable for every such offence to a fine of ten pounds, and in the case of continuing offences to a further fine of five pounds for every day or part of a day during which such offence continues.

(2.) Unless otherwise specially provided in this Act, every offence against this Act is punishable on summary conviction.

146. (1.) The enactments mentioned in the Fourth Schedule hereeto are hereby repealed to the extent therein specified.

(2.) All districts, Proclamations, Orders in Council, orders, regulations, by-laws, warrants, offices, appointments, registers, books, records, certificates, notices, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3.) All matters and proceedings commenced under any such enactment and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under the corresponding provisions of this Act, if any, and if there are no such corresponding provisions, then under the Acts under which they originated in the same manner as if those Acts remained in force.

147. Except so far as may be specifically provided herein, nothing in this Act shall be so construed as to annul or derogate from the provisions of any other Act.
SCHEDULES.

FIRST SCHEDULE.

INFECTION DISEASES.

Part I.—Notifiable Infectious Diseases.

Anthrax.
Cerebro-spinal fever (cerebro-spinal meningitis).
Cholera.
Dengue.
Diphtheria.
Erysipelas.
Enteric fever (typhoid fever, paratyphoid fever).

Leprosy.
Plague (bubonic or pneumonic).
Puerperal fever (puerperal septicæmia, puerperal sapræmia).
Scarlet fever (scarlatina).
Smallpox (variola, including varioloid, alastrim, amasas, Cuban itch and Philippine itch).
Typhus.
Yellow fever.

Part II.—Other Infectious Diseases.

Chickenpox (varicella).
Encephalitis lethargica.
Influenza.
Fulminant influenza.
Pneumonic influenza.
Septicæmic influenza.
Measles (morbilli).
German measles (rubella).
Mumps (epidemic parotitis).
Ophthalmia neonatorum.
Acute primary pneumonia.
Acute poliomyelitis (infantile paralysis).
Ringworm of the scalp (tinea tonsurans).
Scabies (itch).
Trachoma (granular conjunctivitis, granular ophthalmia, granular eyelids).
Tuberculosis (pulmonary).
Whooping-cough (pertussis).

SECOND SCHEDULE.

NOTIFIABLE DISEASES OTHER THAN INFECTIOUS DISEASES.

Actinomycosis.
Anchylostomiasis (hookworm disease).
Bilharziosis (endemic hæmaturia, Egyptian hæmaturia).
Beriberi.
Hydatids.
Food poisoning (botulismus, ptomaine poisoning).
Chronic lead poisoning.
Phosphorus poisoning.
Tetanus.
THIRD SCHEDULE.

OFFENSIVE TRADES.

Blood or offal treating.
Bone boiling or crushing.
Candlemaking
Chemical works.
Fellmongering.
Fish-curing.
Flock-manufacturing.
Glue-manufacturing.
Gut scraping and treating.
Manure-works.
Nightsoil collection and disposal.
Refuse collection and disposal.
Storage, drying, or preserving of bones, hides, hoofs, and skins
Soap-manufacturing.
Tallow-melting.
Tanning.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

1908, No. 155.—The Public Health Act, 1908.
1908, No. 215.—The Town Boards Amendment Act, 1908 (No. 2) : Section 7.
1909, No. 11.—The Hospitals and Charitable Institutions Act, 1909: Section 83.
1910, No. 51.—The Public Health Amendment Act, 1910.
1910, No. 63.—The Hospitals and Charitable Institutions Amendment Act, 1910: Section 5.
1913, No. 56.—The Hospitals and Charitable Institutions Amendment Act, 1913: Section 15.
1918, No. 22.—The Public Health Amendment Act, 1918.
1919, No. 28.—The Public Health Amendment Act, 1919.
1919, No. 43.—The Native Land Amendment and Native Land Claims Adjustment Act, 1919: Section 17.