

Zambia

## Public Health Act, 1930

### Chapter 295

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# Public Health Act, 1930

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# Zambia

## Public Health Act, 1930

### Chapter 295

Commenced on 11 April 1930

*[This is the version of this document as it was at 31 December 1996 to 5 March 2020.]*

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**An Act to provide for the prevention and suppression of diseases and generally to regulate all matters connected with public health in Zambia.**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Public Health Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**adult**" means a person who is over or appears to be over eighteen years of age;

"**approved**" and "prescribed" mean respectively approved or prescribed by the Minister or the Board or by the appointed officers or by the regulations framed under this Act, as the case may be;

"**basement**" includes any cellar, vault or underground room;

"**Board**" means the Central Board of Health constituted under this Act;

"**building**" includes any structure whatsoever, whether permanent or temporary;

"**burial**" means the burial in earth, interment or any other form of sepulture or the cremation or any other mode of disposal of a dead body, and "buried" has a corresponding meaning;

"**child**" means a person who is under or appears to be under eighteen years of age;

"**dairy**" includes any farm-house, cow-shed, milk-stall, milk-shop or other place from which milk is supplied or in which milk is kept or used for purposes of sale or manufactured into butter, cheese, dried milk or condensed milk for sale;

"**dairyman**" includes any cow-keeper, purveyor of milk, or occupier of a dairy, and in cases where a dairy is owned by a corporation or company the secretary or other person actually managing such dairy;

"**district**" means, in relation to a Local Authority, the area which is under the jurisdiction of that Local Authority;

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

**"dwelling"** means any house, room, shed, hut, cave, tent, vehicle, vessel or boat or any other structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any human being dwells;

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

**"food"** means any article used for food or drink other than drugs or water, and any article intended to enter into or be used in the preparation of such food, and flavouring matters and condiments;

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

**"Health Inspector"** means a Health or Sanitary Inspector in the employment of the Government or of any Local Authority, and includes any person appointed by the Director of Medical Services to act as such within the district of one or more Local Authorities;

**"infected"** means suffering from, or in the incubation stage of, or contaminated with the infection of, any infectious disease;

**"infectious disease"** means any disease (not including any venereal disease except gonorrhoeal ophthalmia) which can be communicated directly or indirectly by any person suffering therefrom to any other person;

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

**"keeper of a lodging-house"** means any person keeping an hotel or lodging-house;

**"land"** includes any right over or in respect of land or any interest therein;

**"latrine"** includes privy, urinal, earth closet and water closet;

**"Local Authority"** means—

- (a) in the area of a city council, a municipal council, township council, such council;
- (b) in any other area, the District Secretary for the District in which such area is situate;

**"lodging-house"** includes an hotel and any building or part of a house including the verandah thereof, if any, which is let or sublet in lodgings or otherwise, either by storeys, by flats, by rooms, or by portions of a room;

**"medical observation"** means the segregation and detention of persons under medical supervision;

**"Medical Officer of Health"** means the Director of Medical Services, any Government Medical Officer, any medical practitioner appointed by the Director of Medical Services to act as Medical Officer of Health in any area specified in such appointment, and the Medical Officer of Health of a city council, municipal council or township council;

**"medical practitioner"** means a person registered under the Medical and Allied Cap. 296 Professions Act;

**"medical surveillance"** means the keeping of a person under medical supervision. Persons under such surveillance may be required by the Medical Officer of Health or any duly authorised officer to remain within a specified area or to attend for medical examination at specified places and times;

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

**"offensive trade"** includes the trade of blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-melter, tripe-boiler and any other noxious or offensive trade, business or manufacture declared by the Minister, by statutory notice, to be a noxious or offensive trade;



**"owner"**, as regards land or any interest therein, includes any person, other than the President, receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person, other than the President, entitled thereto or interested therein. The term includes any lessee or licensee from the State and any superintendent, overseer or manager of such lessee or licensee residing on the holding;

**"parent"** includes the father and mother of a child, whether legitimate or not;

**"premises"** includes any building or tent together with the land on which the same is situated and the adjoining land used in connection therewith, and includes any vehicle, conveyance or vessel;

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

**"public latrine"** means any latrine to which the public are admitted on payment or otherwise;

**"Sanitary Inspector"** means a Health or Sanitary Inspector in the employment of the Government or of any Local Authority, and includes any person appointed by the Director of Medical Services to act as such within the district of one or more Local Authorities;

**"slaughter-house"** means the premises set apart for the purpose of a slaughter-house by a Local Authority; "pig slaughter-house" means the premises set apart by a Local Authority for the slaughtering of pigs; and "meat inspector" means the person employed by any Local Authority to act as meat inspector or other qualified person authorised by it to act in that behalf;

**"stock"** means and includes all domesticated animals of which the flesh or milk is used for human consumption;

**"street"** means any highway, road or sanitary lane, or strip of land reserved for a highway, road or sanitary lane, and includes any bridge, footway, square, court, alley or passage whether a thoroughfare or not or a part of one;

**"trade premises"** means any premises (other than a factory) used or intended to be used for carrying on any trade or business;

**"verandah"** includes any stage, platform or portico projecting from the main wall of any building;

**"Veterinary Officer"** means a veterinary surgeon in the employment of the Government;

**"workshop"** means any building or part of a building in which manual labour is exercised for purposes of trade.

*[As amended by Acts No. 34 of 1930, No. 9 of 1939, No. 27 of 1941, No. 64 of 1953, No. 51 of 1963, G.N. No. 291 of 1964, No. 69 of 1965, S.I. No. 163 of 1965 and No. 14 of 1966]*

## Part II – Administration

3. \*\*\*

*[Repealed by Act [No. 22 of 1995](#)]*

4. \*\*\*

*[Repealed by Act [No. 22 of 1995](#)]*

5. \*\*\*

*[Repealed by Act [No. 22 of 1995](#)]*

6. \*\*\*

*[Repealed by Act [No. 22 of 1995](#)]*

7. \*\*\*

*[Repealed by Act [No. 22 of 1995](#)]*

8. \*\*\*

*[Repealed by Act [No. 22 of 1995](#)]*

### **Part III – Notification of infectious diseases**

#### **9. Notifiable infectious diseases**

- (1) The provisions of this Act, unless otherwise expressed, shall, so far as they concern notifiable infectious diseases, apply to anthrax, blackwater fever, epidemic cerebro-spinal meningitis or cerebro-spinal fever, asiatic cholera, diphtheria or membranous croup, dysentery, enteric or typhoid fever (including para-typhoid fever), erysipelas, glanders, leprosy, plague, acute anterior poliomyelitis, puerperal fever (including septicaemia, pyaemia, septic pelvic cellulitis or other serious septic condition occurring during the puerperal state), rabies, relapsing fever, scarlatina or scarlet fever, sleeping sickness or human trypanosomiasis, smallpox or any disease resembling smallpox, typhus fever, all forms of tuberculosis which are clinically recognisable apart from reaction to the tuberculin test, undulant fever and yellow fever.
- (2) The Minister may, by statutory notice—
  - (a) declare that any infectious disease other than those specified in subsection (1) shall be notifiable diseases under this Act;
  - (b) declare that only such provisions of this Act as are mentioned in such notice shall apply to any notifiable infectious disease;
  - (c) restrict the provisions of this Act, as regards the notification of any disease, to the district of any Local Authority or to any area defined in such notice.

*[As amended by No. 9 of 1937 and No. 51 of 1963]*

#### **10. Notification of infectious diseases**

- (1) Where an inmate of any building in Zambia used for human habitation is suffering from any notifiable infectious disease, unless such building is a hospital in which persons suffering from any notifiable infectious diseases are received, the following provisions shall have effect:
  - (a) the head of the family to which such inmate (in this Act referred to as "the patient") belongs, and in his default the nearest relatives of the patient present in the building or in their default the person in charge of or in attendance on the patient, and in default of any such person the occupier of the building shall, as soon as he becomes aware that the patient is suffering from any notifiable infectious disease to which this Act applies, send notice thereof to the nearest Medical Officer of Health;

- (b) whenever any child attending any school, orphanage or like institution, or any person residing in any hotel, boarding-house or other like institution, shall be known to be suffering from any infectious disease (whether such infectious disease is specified in this Act or not) the principal or person in charge of such school, orphanage or other like institution, or the manager or proprietor or person in charge of such hotel, boarding-house or other like institution shall forthwith send notice thereof to the nearest Medical Officer of Health and shall furnish to him on his request a list of scholars or residents thereat, together with their addresses;
  - (c) every medical practitioner attending on or called in to visit a patient shall forthwith, on becoming aware that the patient is suffering from any notifiable infectious disease to which this Act applies, send to the nearest Medical Officer of Health a certificate stating the name of the patient, the situation of the building and the notifiable infectious disease from which, in the opinion of such medical practitioner, the patient is suffering;
  - (d) in any case in which a medical practitioner has been called in, the obligation to notify an infectious disease shall rest on such medical practitioner only;
  - (e) every medical practitioner who becomes aware, by *post-mortem* examination or otherwise, that any person has died of a notifiable infectious disease shall immediately furnish a written certificate thereof to the nearest Medical Officer of Health and shall also inform the head of the household or the occupier of the premises or any person who has been in attendance on such diseased person of the infectious nature of the disease and the precautions to be taken to prevent its conveyance to others.
- (2) Every person required by this section to give a notice or certificate who fails to give the same, shall be liable to a penalty not exceeding one hundred and twenty penalty units:

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

[As amended by Act [No. 13 of 1994](#)]

## 11. Medical Officers of Health to transmit return of notifications

Every Medical Officer of Health shall at the end of each month and on a form to be prescribed, transmit to the Director of Medical Services particulars of all cases of infectious diseases notified to him during the month, and all information which he may possess as to the outbreak or prevalence of any infectious communicable or preventable disease in his district.

[As amended by No. 9 of 1937]

## 12. Regulations for the notification of infectious diseases

The Minister may, in respect of the notification of infectious disease, by statutory instrument, make regulations as to—

- (a) the duties of owners or occupiers of land, the owners or managers of mines, employers of labour and all chiefs or headmen or others in regard to reporting the occurrence of any infectious disease;
- (b) the duties of the person in charge of any school, orphanage or similar institution in regard to the reporting of such diseases or any other communicable disease specified in the regulations to the Local Authority;
- (c) the circumstances in which notification of particular infectious diseases shall not be required;
- (d) the duties of the Local Authority in respect of the keeping of registers and records of such notifications;

- (e) the duties of Registrars of Deaths in respect of furnishing the Local Authority with notification of return of deaths notified with such Registrars;
  - (f) the forms to be used and the particulars to be furnished by medical practitioners when making such notifications to the Medical Officer of Health;
  - (g) the forms to be used and the particulars to be furnished by the Medical Officer of Health when transmitting returns and reports to the Director of Medical Services;
- and generally for better carrying out the provisions and attaining the objects and purposes of this Part. Any person who contravenes or fails to comply with any such regulation shall be guilty of an offence.

*[As amended by No. 9 of 1937]*

### **13. Fees for certificates**

The Local Authority where such is a city council, a municipal council, or a township council and in all other cases the Government shall pay to every medical practitioner, other than a Government Medical Officer, for each certificate duly sent in by him in accordance with this Act a fee of twenty-five ngwee if the case occurs in his private practice. For the purposes of this section, private practice does not include practice among agricultural or industrial employees or their dependants in cases where the employer pays to the medical practitioner a whole or part-time salary or retaining fee for his services to such employees or their dependants.

*[No. 9 of 1937 as amended by No. 51 of 1963 and No. 69 of 1965]*

### **14. Notices and certificates**

A notice or certificate to be sent to a Medical Officer of Health in pursuance of this Act, may be sent by being delivered to the officer or being left at his office or residence, or may be sent by post addressed to him at his office or his residence.

## **Part IV – Prevention and suppression of infectious diseases**

### **15. Inspection of infected premises and examination of persons suspected to be suffering from infectious diseases**

A Medical Officer of Health may at any time enter and inspect any premises in which he has reason to believe that any person suffering or who has recently suffered from any infectious disease is or has recently been present, or any inmate of which has recently been exposed to the infection of any infectious disease, and may medically examine any person in such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

### **16. Duty of Local Authority to cause premises to be cleansed and disinfected**

- (1) Where any Medical Officer of Health is of opinion that the cleansing and disinfecting of any building or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be his duty to give notice in writing to the owner or occupier of such building or part thereof specifying the steps to be taken to cleanse and disinfect such building or part thereof and articles within a specified time in such notice.
- (2) If a person to whom notice is given fails to comply therewith, he shall be liable to a penalty not exceeding three hundred penalty units for every day during which he continues to make default: and the Local Authority or Medical Officer of Health may cause such building or part thereof and articles to be cleansed and disinfected, and may recover, by civil process, the expenses incurred from the owner or occupier in default.

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

*[As amended by Act [No. 13 of 1994](#)]*

## **17. Destruction of infected bedding, etc.**

Any Local Authority may direct the destruction of any building, bedding, clothing or other articles which have been exposed to infection from any infectious disease, or which in the opinion of the Medical Officer of Health are infected, and any such direction shall be sufficient authority for a Medical Officer of Health or Sanitary Inspector or person authorised thereto to destroy the same, and a Local Authority may with the approval of the Minister give compensation for any building, bedding, clothing or other articles destroyed in pursuance of any direction under this section.

## **18. Provision of means of disinfection**

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

## **19. Provision of conveyance for infected person**

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

## **20. Removal to hospital of infected person**

Where in the opinion of the Medical Officer of Health any person certified by a medical practitioner to be suffering from an infectious disease, or any person suffering from venereal disease in a communicable form, is not accommodated or is not being treated or nursed in such manner as adequately to guard against the spread of the disease, such person may, on the order of the Medical Officer of Health, be detained in or removed to hospital or any temporary place which in the opinion of the Medical Officer of Health is suitable for the reception of the infectious sick and there detained until such Medical Officer of Health or any medical practitioner duly authorised thereto by the Minister is satisfied that he is free from infection or can be discharged without danger to the public health.

*[As amended by Act [No. 38 of 1938](#)]*

## **21. Penalty for escaping when detained**

Any person detained in accordance with an order of the Medical Officer of Health made under the provisions of the preceding section who escapes or attempts to escape shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

*[No. 14 of 1941 as amended by Act [No. 13 of 1994](#)]*

## **22. Penalty on exposure of infected persons and things**

- (1) Any person who—

- (a) while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, inn, or public conveyance or enters any public conveyance without previously notifying the owner, conductor or driver thereof that he is so suffering; or
- (b) being in charge of any person so suffering so exposes such sufferer; or
- (c) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disease; shall be liable to a penalty not exceeding four hundred and fifty penalty units or three months' imprisonment with or without hard labour, or to both; and a person who, while suffering from any such disease, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expenses they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance:

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

- (2) For the purposes of this section, "public conveyance" includes any railway coach, tramcar, omnibus, cab, motor car or any vehicle whatsoever, or any boat or other vessel, or any aircraft, if the conveyance plies for hire or is used by members of the public.

*[As amended by Act [No. 13 of 1994](#)]*

## **23. Penalty on failing to provide for disinfection of public conveyance**

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

*[As amended by Act [No. 13 of 1994](#)]*

## **24. Penalty for letting infected house**

Any person who knowingly lets for hire any dwelling or premises or part thereof in which any person has been suffering from an infectious disease, without having the same and all articles therein liable to retain infection efficiently disinfected to the satisfaction of a Medical Officer of Health as testified by a certificate signed by him, shall be liable to a penalty not exceeding one thousand five hundred penalty units. The provisions of this section shall apply to any owner or keeper of an hotel or boarding-house who lets any room or part thereof to any person.

*[As amended by Act [No. 13 of 1994](#)]*

## **25. Duty of person letting house lately infected to give true information**

Any person letting for hire or showing for the purposes of letting for hire any dwelling or premises or part thereof who, on being questioned by any person negotiating for the hire of such house as to the fact of there being or within six weeks previously having been therein any person suffering from any infectious disease, knowingly makes a false answer to such question shall be liable to a fine not exceeding one thousand five hundred penalty units.

*[As amended by Act [No. 13 of 1994](#)]*

**26. Notification to Local Authority of persons dying of infectious disease**

- (1) In every case of death from an infectious disease it shall be the duty of the occupier of the premises in which the death has occurred immediately to notify the Local Authority of the death and the cause thereof, and to make the best arrangements practicable, pending the removal of the body and the carrying out of thorough disinfection, for preventing the spread of such disease.
- (2) Removal of bodies of persons dying of infectious disease  
It shall be an offence against this Act for the occupier of any premises to keep any dead body in any room in which any person lives, sleeps, or works, or in which food is kept or prepared or eaten, or to keep the body of any person who is known to the occupier to have died of an infectious disease for more than twenty-four hours in any place other than a mortuary or other place set apart for the keeping of dead bodies, without first obtaining the sanction in writing of the Local Authority.
- (3) Where any person dies of an infectious disease it shall be an offence against this Act to remove the body except to a mortuary or for the purpose of immediate burial; and it shall be the duty of any person who removes the body to take it direct to the mortuary or to the place of interment for burial.
- (4) Nothing in this section shall be deemed to prevent the removal by due authority of any dead body from a hospital to a mortuary.

*[As amended by No. 9 of 1937]*

**27. Removal and burial of bodies of persons who have died of an infectious disease**

- (1) When—
  - (a) the body of a person who has died of an infectious disease is retained in a room in which any person lives, sleeps or works, or in which food is kept or prepared or eaten; or
  - (b) the body of a person who has died of an infectious disease is retained without the sanction of the Local Authority for more than twenty-four hours elsewhere than in a mortuary or other place reserved for the keeping of dead bodies; or
  - (c) any dead body is retained in any dwelling or place under circumstances which in the opinion of the Local Authority are likely to endanger health; or
  - (d) any dead body found within any city, municipality or township is unclaimed or where no competent person undertakes to bury it;any magistrate or a police officer of or above the rank of Sub-Inspector, may, on a certificate signed by a medical practitioner, direct that the body be removed to a mortuary and be buried within a time to be specified in such order or, if the body is that of a person certified to have died of an infectious disease, may order that the body be buried immediately without removal to a mortuary. Unless the friends or relatives of the deceased undertake to, and do, bury the body within the time so specified, the cost of so doing shall be defrayed by the Local Authority, and may be recovered by it by action in any competent court from any person legally liable to pay the expenses of interment.
- (2) Any person who obstructs the execution of any order or direction given under this section shall be guilty of an offence.

*[As amended by No. 9 of 1937 and No. 69 of 1965]*



## 28. Regulations regarding infectious diseases

The Minister may, by statutory instrument, make regulations applicable to all infectious diseases or only to such infectious diseases as may be specified therein regarding the following matters:

- (a) the imposition and enforcement of quarantine or of medical observation and surveillance in respect of persons suffering or suspected to be suffering from infectious disease who are not removed to a hospital or place of isolation, the premises in which such persons are accommodated, those in charge of or in attendance on such persons, and other persons living in or visiting such premises or who otherwise may have been exposed to the infection of any such disease;
- (b) the duties, in respect of the prevention of infectious disease and in respect of persons suffering or suspected to be suffering therefrom, of owners of land on which persons reside, and of employers of labour, and of chiefs or headmen and others;
- (c) the measures to be taken for preventing the spread of or eradicating cholera, smallpox, yellow fever, typhus fever, typhoid fever, plague, acute anterior poliomyelitis, tuberculosis or any other infectious disease requiring to be dealt with in a special manner;
- (d) the conveyance by rail or otherwise of persons suffering from, or the bodies of persons who have died of, an infectious disease;
- (e) the prevention of the spread from any animal or the carcass or product of any animal to man, of rabies, glanders, anthrax, plague, tuberculosis, trichinosis or any other disease communicable by any animal or the carcass or product of any animal to man;
- (f) the prevention of the spread and the eradication of malaria, the destruction of mosquitoes, and the removal or improvement of conditions permitting or favouring the multiplication or prevalence of mosquitoes, and the provision and proper upkeep of mosquito nets in the sleeping apartments of hotels, boarding-houses, lodging houses and all public buildings where persons are accommodated for payment;
- (g) the prevention of the spread of disease by flies and other insects, and the destruction of and the removal or improvement of conditions permitting or favouring the prevalence or multiplication of such flies or insects;
- (h) the destruction of rodents and other vermin, the removal or improvement of conditions permitting or favouring the harbourage or multiplication thereof;
- (i) the prevention of the spread of ankylostomiasis, bilharziasis or other disease in man caused by any animal or vegetable parasite;
- (j) the prevention of the spread of any infectious, contagious or loathsome disease by the carrying on of any business, trade or occupation;
- (k) the prevention of the spread of any infectious disease by persons who, though not at the time suffering from such disease, are "carriers" of and liable to disseminate the infection thereof, and the keeping under medical surveillance and the restriction of the movements of such persons;
- (l) the prohibition of spitting in public places or in public conveyances, except into receptacles provided for the purpose;
- (m) the regulation and restriction of any trade or occupation entailing special danger to the health of those engaged therein, whether from infectious disease or otherwise, and the institution of measures for preventing or limiting such danger;
- (n) cleansing stations and the cleansing of dirty or verminous persons, the disinfection or fumigation of premises, clothing or other articles which have been exposed to or are believed to be



contaminated with the infection of any infectious disease, or which are dirty or verminous, and prohibiting the carrying out of any fumigation which involves the use of poisonous gas

## **Part V – Special provisions regarding formidable epidemic disease**

### **29. Formidable epidemic, endemic or infectious diseases**

The provisions of this Act, unless otherwise expressed, in so far as they concern formidable epidemic, endemic or infectious diseases, shall be deemed to apply to smallpox, plague, asiatic cholera, yellow fever, typhus, sleeping sickness or human trypanosomiasis and any other disease which the Minister may declare, by statutory notice, to be a formidable epidemic disease for the purposes of this Act.

*[As amended by No. 51 of 1963]*

### **30. Regulations for prevention of disease**

Whenever any part of Zambia appears to be threatened by any formidable epidemic, endemic or infectious disease, the Minister may declare it an "infected area" and may, by statutory instrument, make regulations for all or any of the following purposes, namely:

- (a) for the speedy interment of the dead;
- (b) for house to house visitation
- (c) for the provision of medical aid and accommodation, for the promotion of cleansing, ventilation and disinfection and for guarding against the spread of disease;
- (d) for preventing any person from leaving any infected area without undergoing all or any of the following: medical examination, disinfection, inoculation, vaccination or revaccination or passing a specified period in an observation camp or station;
- (e) for the formation of hospitals and observation camps or stations, and for placing therein persons who are suffering from or have been in contact with persons suffering from infectious disease;
- (f) for the destruction or disinfection of buildings, furniture, goods or other articles, which have been used by persons suffering from infectious disease, or which are likely to spread the infection;
- (g) for the removal of persons who are suffering from an infectious disease and persons who have been in contact with such persons;
- (h) for the removal of corpses;
- (i) for the destruction of rats, the means and precautions to be taken on shore or on board vessels for preventing them passing from vessels to the shore or from the shore to vessels, and the better prevention of the danger of spreading infection by rats;
- (j) for the regulation of hospitals used for the reception of persons suffering from an infectious disease and of observation camps and stations;
- (k) for the removal and disinfection of articles which have been exposed to infection;
- (l) for prohibiting any person living in any building or using any building for any other purpose whatsoever if in the opinion of the Medical Officer of Health any such use is liable to cause the spread of any infectious disease: any regulation made under this paragraph may give a Medical Officer of Health power to prescribe the conditions on which such a building may be used;
- (m) for any other purpose, whether of the same kind or nature as the foregoing or not, having for its object the prevention, control or suppression of infectious diseases;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any Local Authority and such district or part or parts thereof shall be deemed an infected area and to apply to any vessels on inland waters within the territorial jurisdiction of Zambia.

### **31. Local Authority to see to the execution of regulations**

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

*[As amended by No. 9 of 1937]*

### **32. Power of entry**

The Director of Medical Services and his officers shall have power of entry on any premises or vessels for the purpose of executing or superintending the execution of any regulations so issued by the Minister as aforesaid.

### **33. Minister may combine Local Authorities**

The Minister may, if he thinks fit, by order authorise or require any two or more Local Authorities to act together for the purposes of the provisions of this Act relating to preventions of epidemic, endemic or infectious diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

### **34. Notification of sickness or mortality in animals suspected of plague**

- (1) Every person who becomes aware of any unusual sickness or mortality among rats, mice, cats, dogs or other animals susceptible to plague or other formidable epidemic diseases, not due to poison or other obvious cause, shall immediately report the fact to the Medical Officer of Health.
- (2) Any such person who fails so to report shall be guilty of an offence.

*[As amended by No. 9 of 1937]*

### **35. Medical Officers of Health to report notification of formidable epidemic diseases by telegraph**

Every Medical Officer of Health shall immediately report to the Director of Medical Services, by telegraph or other expeditious means, particulars of every notification received of a case or suspected case of any formidable epidemic disease, or of any unusual sickness or mortality in animals made under the last preceding section.

*[As amended by No. 9 of 1937]*

### **36. Director of Medical Services may requisition buildings, equipment, etc.**

- (1) Where an outbreak of any formidable epidemic disease exists or is threatened, it shall be lawful for the Director of Medical Services to require any person owning or having charge of any land or any buildings or dwellings not occupied, or any person owning or having charge of tents, transport, bedding, hospital equipment, drugs, food or other appliances, materials or articles urgently required in connection with the outbreak, to hand over the use of any such land or building or to supply or make available any such article, subject to the payment of a reasonable amount as hire or purchase price.

- (2) Any person who, without reasonable cause, fails or refuses to comply with any such requirement shall be guilty of an offence.

## Part VI – Prevention of the spread of smallpox

### 37. Interpretation of terms in Part VI

For the purposes of this Part

"**public vaccinator**" shall include a public vaccinator appointed by the Director of Medical Services and any person appointed by the Director of Medical Services to assist or act for a public vaccinator, and includes any Government Medical Officer, or Medical Officer of Health;

"**unprotected person**" includes a child and means a person who has not been protected from smallpox by having had the disease, either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible to vaccination.

### 38. Vaccination certificates

No person shall be permitted to enter Zambia unless he is in possession of, and produces to an immigration officer at the port of entry, a valid international certificate of vaccination or revaccination against smallpox; and such certificate shall comply with the requirements of the Sanitary Regulations of the World Health Organisation.

[No. 61 of 1967]

### 39. Vaccination every three years

- (1) Every unvaccinated adult person or the parent or guardian of every unvaccinated child in Zambia, who has not been vaccinated at the \* commencement of [Act No. 61 of 1967], shall cause himself or such child to be vaccinated within three years from that date.

\*15th December, 1967.

- (2) Every adult person or the parent or guardian of every child in Zambia shall cause himself or such child to be revaccinated at intervals of three years from the date of his last successful vaccination.

[No. 61 of 1967]

### 40. Emergency vaccination of population in areas threatened with smallpox

In the event of the occurrence or threatened outbreak of smallpox in any area—

- (a) the Local Authority or any Government Medical Officer may require any person to be forthwith vaccinated or revaccinated who has or is suspected to have been in any way recently exposed to smallpox infection or may require the parent or guardian of any child who has or is suspected to have been so exposed to have such child vaccinated or revaccinated forthwith. Any person failing to comply with such requirement shall be guilty of an offence;
- (b) the Local Authority may, or when instructed by the Minister on the advice of the Board so to do shall, require all persons within an area defined to attend at centres according to instructions issued and to undergo inspection, vaccination or revaccination, as circumstances may require. Such instructions may be issued by notice in the Press, or by notices posted in public places, or otherwise as may be deemed sufficient by the Local Authority. Non-attendance shall be deemed to be an offence;

- (c) any Medical Officer of Health, public vaccinator or medical practitioner duly authorised by the Director of Medical Services may require any person in such area to furnish satisfactory proof (including the exhibition of vaccination scars) that he has been successfully vaccinated within three years immediately preceding the date of such requirement. Any person who fails to furnish such proof as regards himself or as regards any child of which he is the parent or guardian, and refuses to allow himself or such child to be vaccinated, shall be guilty of an offence.

*[As amended by No. 9 of 1937 and No. 61 of 1967]*

#### **41. If adult or child be unfit for vaccination, certificate to be given**

- (1) If any public vaccinator or medical practitioner shall be of opinion that any adult or child is not in a fit state to be vaccinated, he shall give to the adult or to the parent or guardian of the child a certificate under his hand in Form 1 in the Schedule, or to the like effect, that the adult or child is then in a state unfit for vaccination.
- (2) The said certificate shall remain in force for six months only but shall be renewable for successive periods of six months until the public vaccinator or medical practitioner shall deem the adult or child to be fit for vaccination when the adult or child shall with all reasonable despatch be vaccinated.

#### **42. Certificate of insusceptibility to be given**

- (1) If any public vaccinator or medical practitioner shall find that any adult or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that the adult or child coming or brought to him for vaccination has already been successfully inoculated or had smallpox, he shall deliver to the adult or to the parent or guardian of the child a certificate under his hand in Form 2 in the Schedule.
- (2) A certificate of insusceptibility to vaccination shall only be given by a public vaccinator or other medical practitioner after three unsuccessful attempts at vaccination at intervals of not less than one month have been made by him with calf vaccine lymph of known efficiency.

#### **43. Certificate to be given for successful vaccination**

Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any adult or child, and shall have ascertained that the same has been successful, shall deliver to such adult or to the parent or guardian of such child a certificate in Form 3 in the Schedule, or to the like effect, certifying that the said adult or child has been successfully vaccinated.

#### **44. No fee to be charged for a certificate or for vaccination by public vaccinator**

- (1) No fee or remuneration shall be charged to the person vaccinated by any public vaccinator for any certificate granted under this Act, or for any vaccination done by him in pursuance of this Act.
- (2) Description of person to be entered in certificate

A public vaccinator or medical practitioner giving any certificate under this Act shall enter therein a description of the person in respect of whom the certificate is given sufficient for the purpose of identification.

#### **45. Vaccination of inmates of institutions**

Every superintendent or person in charge of a leper asylum or mental hospital, gaol, prison, reformatory, penitentiary or other similar institution, shall cause to be vaccinated within fourteen days following his admission to such institution every inmate thereof who, being in a fit state of health to undergo

vaccination, has not been successfully vaccinated within the three years immediately preceding: if such person is at the time unfit to undergo vaccination, he shall be vaccinated as soon as he is so fit.

*[As amended by No. 25 of 1969]*

#### **46. School attendance**

- (1) No child shall be admitted to or attend any school until there has been School attendance produced to the person in charge thereof a certificate or other satisfactory evidence that the provisions of this Part in respect of such child have been complied with.
- (2) For the purpose of ascertaining whether the provisions of subsection (1) are being observed, every Medical Officer of Health is hereby authorised and required, whenever instructed by the Director of Medical Services, to visit any school and make therein such inspection of the children attending thereat as will enable him to furnish prescribed particulars to the Director of Medical Services as to the children who are unvaccinated.

#### **47. Supply of vaccine lymph and inoculation from arm to arm, etc., forbidden**

Any person who inoculates himself or any other person with material taken from a person suffering from smallpox or from a vaccine vesicle on another person or by any method not prescribed in regulations shall be guilty of an offence.

#### **48. Regulations under Part VI**

The Minister on the advice of the Board may, by statutory instrument, make regulations—

- (a) prescribing forms of certificate, notices, returns, and books of record to be used in connection with public vaccination, and defining the information to be furnished therein, and requiring the furnishing and prescribing the manner of use thereof by Registrars of Births, public vaccinators, Local Authorities, medical practitioners, parents or guardians of children, persons in charge of schools, employers of labour and others;
- (b) conferring powers and imposing duties, in connection with the carrying out or enforcement of vaccination, on magistrates, police officers, or other Government officers, Local Authorities, persons in charge of schools, employers of labour, chiefs, headmen, and others;
- (c) prescribing the conditions under which vaccine lymph may be supplied free of charge to medical practitioners, Local Authorities and others;
- (d) providing for the vaccination or revaccination of persons and assigning, where deemed desirable, the responsibility for the carrying out of such vaccination or revaccination to Local Authorities or employers of labour;
- (e) as to the application and enforcement of the provisions of this Part to persons entering Zambia and for requiring, where deemed necessary, the vaccination or revaccination of any person before so entering.

*[As amended by G.N. No. 500 of 1964]*

### **Part VII – Prevention of introduction of disease**

#### **49. Introduction of infectious disease**

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

- (2) Any person who contravenes or fails to comply with any such notice shall be guilty of an offence, and shall be liable to a fine not exceeding three thousand penalty units or to imprisonment with or without hard labour for a period not exceeding six months, or to both.

*[As amended by No. 51 of 1963 and Act [No. 13 of 1994](#)]*

## **50. Removal of infected persons from railway trains**

- (1) Where any person arriving in Zambia by railway train or other conveyance is found to be suffering from any infectious disease, and in the opinion of the Medical Officer of Health cannot be accommodated or cannot be nursed and treated so as to guard against the spread of the disease or to promote recovery, the Medical Officer of Health may order the removal of such person to a hospital or place of isolation for such period as may be necessary in the interests of the patient or to prevent spread of infection.
- (2) All expenses necessarily incurred in dealing with a patient under this section shall be a charge against the said patient and may be recovered from him in the manner prescribed by law. In the case of a person unable to pay any or all of such expenses necessarily incurred on his behalf, such expenditure or balance thereof shall be a charge on the general revenues of the Republic.

## **51. Surveillance or isolation of persons exposed to infection**

- (1) Where any person arriving by railway train or other conveyance within Zambia is believed to have been recently exposed to the infection, or may be in the incubation stage of any notifiable disease, the Medical Officer of Health may require such person to be removed to some hospital or place of isolation until considered free from infection, or alternatively may allow such person to proceed to his place of destination and there report himself to the Local Authority for medical surveillance by such Local Authority until considered free from infection.
- (2) The Medical Officer of Health shall in each instance notify the Medical Officer of Health of the district where such person's destination is of the fact that such person is believed to have been recently exposed to infection and has been allowed to proceed to his destination.

*[As amended by No. 9 of 1937]*

## **52. Powers of authorised medical officers to inspect railway trains and medically examine passengers**

- (1) Any Medical Officer of Health may at any time board any railway train or other conveyance arriving within Zambia, and may inspect any portion thereof or anything therein, and may medically examine any person travelling by such train and require any such person to answer any question for the purpose of ascertaining if such person is infected by or has recently been exposed to the infection of any notifiable infectious disease.
- (2) Any person who refuses to allow any such officer to board any railway train or other conveyance or to make any inspection or medical examination as aforesaid or otherwise obstructs or hinders any such officer in the execution of his duty, or who fails or refuses to give any information which he may lawfully be required to give, or who gives false or misleading information to any such officer, knowing it to be false or misleading, shall be guilty of an offence.

## **53. Special medical officers to inspect railway trains, etc.**

The Minister may, when he may consider it necessary for the prevention of the spread of any infectious disease, appoint special medical officers to inspect railway trains or other conveyances and any article or thing therein, and to examine any persons travelling by train or other conveyance, whether entering or leaving or travelling within Zambia.

**54. Powers to enforce precautions at borders**

- (1) When it is considered necessary for the purpose of preventing the introduction of infectious disease into Zambia, the Minister may, by statutory notice—
- (a) regulate, restrict or prohibit the entry into Zambia at its borders or any specified part thereof of any person, or of persons of any specified class or description, or from any specified locality or area;
  - (b) regulate, restrict or prohibit the introduction into Zambia at its borders or any specified part thereof of any animal, article or thing;
  - (c) impose requirements or conditions as regards the medical examination, detention, quarantine, disinfection, vaccination, isolation or medical surveillance or otherwise of persons entering Zambia, or the examination, detention or disinfection or otherwise of any article or thing introduced into Zambia at its borders or any part thereof;
  - (d) apply with or without modifications any particular provisions of this Part to persons, animals, articles or things entering or introduced into, departing or removed from Zambia by means of aircraft.
- (2) Any person who contravenes or fails to comply with any such notice shall be guilty of an offence.
- [As amended by No. 51 of 1963]*

**55. Agreements with other Governments regarding reciprocal notification of outbreaks**

The President may enter into agreements with the Government of the United Kingdom, or with the Government of any British Dominion or possession or of any foreign country, providing for the reciprocal notification of outbreaks of any formidable epidemic or other disease or any other matter affecting the public health relations of Zambia with other countries.

*[As amended by No. 51 of 1963, G.N. No. 291 of 1964 and S.I. No. 163 of 1965]*

**56. Government not to be liable to pay compensation in exercise of powers of Act if reasonable precautions used**

Wherever under this Part powers are exercised by the Minister or other officer in accordance therewith and with the regulations and by reason of the exercise of such powers—

- (a) any vessel, person, article or thing is delayed or removed or detained; or
  - (b) any article or thing is damaged or destroyed; or
  - (c) any person is deprived of the use of any article or thing;
- the Government shall not be liable to pay compensation, provided due care and reasonable precautions have been taken to avoid unnecessary delay or damage or destruction.

*[As amended by No. 51 of 1963]*

**Part VIII – Venereal diseases and leprosy****57. Venereal diseases and leprosy**

The provisions of this Act, unless otherwise expressed, in so far as they concern venereal disease and leprosy, shall be deemed to apply to syphilis, gonorrhea, gonorrhoeal ophthalmia, soft chancre, venereal warts and venereal granuloma.



**58. Infected employees**

- (1) Every person who, while suffering from any venereal disease or leprosy in a communicable form, accepts or continues in employment in domestic service or in or about any factory, shop, hotel, restaurant, house, or other place in any capacity entailing the care of children or the handling of food utensils or food intended for consumption or use by any other person shall be guilty of an offence, unless he proves that he did not know or suspect, and had no reasonable means of knowing or suspecting that he was so suffering, and shall be liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.
- (2) Every person shall be guilty of an offence who employs or continues to employ any person in domestic service suffering from any venereal disease or leprosy in a communicable form, or if, by reason of any employment, such person is required or is permitted to have the care of children or to handle any food utensils or food intended for consumption or use by any person other than the person employed, unless the employer proves that he did not know or suspect, and had no reasonable means of knowing or suspecting that the person so employed by him was suffering from such disease.

*[As amended by No. 14 of 1941 and Act [No. 13 of 1994](#)]*

**59. Conveyance of infection an offence**

Every person who wilfully or by culpable negligence infects any other person with venereal disease or leprosy, or does or permits or suffers any act likely to lead to the infection of any other person with any such disease, shall be guilty of an offence, and shall be liable to a fine not exceeding six thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

*[As amended by Act [No. 13 of 1994](#)]*

**60. Detention in hospital of infected person**

- (1) Where any person sentenced to imprisonment under this Act or any other written law is suffering from a venereal disease or leprosy in a communicable form, he may, by order of a magistrate, be removed to a special hospital or place of accommodation, and be detained under treatment therein until the expiry of his sentence, and the magistrate, on the representation of the medical practitioner treating such person, and if satisfied that the public health cannot otherwise adequately be safeguarded and that such person when released is unlikely to undergo treatment by a medical practitioner for such disease, may order that he be detained in such hospital or place either for a specified period after the expiry of his sentence or until he is cured or free from the disease in a communicable form.
- (2) Any person so detained in a hospital or other place of accommodation who escapes or attempts to escape therefrom shall be guilty of an offence.

*[As amended by No. 36 of 1933]*

**61. Rights of persons detained in hospital**

Any person detained in hospital under this Part shall be entitled to arrange, at his own expense, for his examination by any medical practitioner, and a report of such examination shall be furnished to the magistrate, who may thereupon cause to be made any further examination of such person which he may deem necessary. No person shall be detained in hospital under this Part who is not, or is no longer, suffering from a venereal disease or leprosy in a communicable form.



**62. Publication of advertisements of cures**

- (1) No person shall publish any advertisement or statement intended to promote the sale of any medicine, appliance or article for the alleviation or cure of any venereal disease or disease affecting the generative organs or functions or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse.
- (2) Any person who publishes any such advertisement or statement by printing it in any newspaper or exhibiting it to public view in any place or delivering or offering or exhibiting it to any person in any street or public place or in any public conveyance or who sells, offers or shows it or sends it by post to any person, shall be guilty of an offence. For the purposes of this section, "advertisement" or "statement" includes any paper, document, or book containing any such advertisement or statement.
- (3) This section shall not apply to publication by the Government or by any Local Authority, public hospital, or other public body in the discharge of its lawful duties or by any society or person acting with the authority of the Minister first obtained, or to any books, documents or papers published in good faith for the advancement of medical science.
- (4) No prosecution under this section shall be instituted except on information laid by the Director of Medical Services.

*[As amended by No. 51 of 1963]*

**63. Regulations under Part VIII**

- (1) The Minister may, by statutory instrument, make regulations—
  - (a) prescribing forms of certificates, notices, orders or returns and books of record to be used in connection with venereal disease, and defining the information to be furnished therein, and requiring the furnishing and prescribing the manner of use thereof by Government Medical Officers, Local Authorities, Medical Officers of Health and others;
  - (b) conferring powers and imposing duties in connection with venereal disease on Government Medical or other officers, Local Authorities, Medical Officers of Health, employers of labour, owners of land on which persons reside, and chiefs or headmen;
  - (c) adapting, within such area as may be defined, the provisions of this Part and the procedure thereunder to the understanding and the special circumstances of persons of particular nationalities or different classes of persons;
  - (d) providing for the effective enforcement of this Part as regards persons of particular nationalities or different classes of persons, and assigning, where deemed desirable, responsibility in connection therewith to Local Authorities or employers of labour;
  - (e) as to the management, maintenance and inspection of hospitals or other institutions for the purposes of this Part and the appointment and duties of persons employed therein or otherwise in connection with the carrying out or enforcement of this Part;
  - (f) as to the classification, treatment, control and discipline of persons treated or detained in such hospitals or institutions and prescribing compulsory work for such persons where deemed desirable;
  - (g) prescribing the procedure of and precautions to be taken by persons suffering from, or attending on or having the care or charge of persons suffering from, venereal disease; and generally for better carrying out the provisions and attaining the objects and purposes of this Part.

- (2) Any person who contravenes or fails to comply with any regulation made under this section shall be guilty of an offence.

*[As amended by G.N. No. 500 of 1964 and No. 25 of 1969]*

## **Part IX – Sanitation and housing**

### **64. Nuisances prohibited**

No person shall cause a nuisance or shall suffer to exist on any land or premises owned or occupied by him or of which he is in charge any nuisance or other condition liable to be injurious or dangerous to health.

### **65. Duties of Local Authorities to maintain cleanliness and prevent nuisances**

It shall be the duty of every Local Authority to take all lawful, necessary and reasonably practicable measures for maintaining its district at all times in clean and sanitary condition, and for preventing the occurrence therein of, or for remedying or causing to be remedied, any nuisance or condition liable to be injurious or dangerous to health, and to take proceedings at law against any person causing or responsible for the continuance of any such nuisance or condition.

### **66. Duty of Local Authorities to prevent or remedy danger to health arising from unsuitable dwellings**

It shall be the duty of every Local Authority to take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or premises, or the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from the construction, condition or manner of use of any factory or trade premises, and to take proceedings under the law or rules in force in its district against any person causing or responsible for the continuance of any such condition.

### **67. What constitutes a nuisance**

- (1) The following shall be deemed to be nuisances liable to be dealt with in the manner provided in this Part:
- (a) any vessel, and any railway carriage or other conveyance in such a state or condition as to be injurious or dangerous to health;
  - (b) any dwelling or premises or part thereof which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be, in the opinion of the Medical Officer of Health, injurious or dangerous to health, or which is or are liable to favour the spread of any infectious disease;
  - (c) any street, road or part thereof, any stream, pool, ditch, gutter, water-course, sink, water tank, cistern, water closet, earth closet, privy, urinal, cesspool, soak-away pit, septic tank, cesspit, soil-pipe, waste-pipe, drain, sewer, garbage receptacle, dustbin, dung-pit, refuse-pit, slop-tank, ash-pit, manure heap so foul or in such a state or so situated or constructed as, in the opinion of the Medical Officer of Health, to be offensive or to be injurious or dangerous to health;
  - (d) any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by man for drinking or domestic purposes or in connection with any dairy or milk-shop, or in

- connection with the manufacture or preparation of any article of food intended for human consumption, which is, in the opinion of the Medical Officer of Health, polluted or otherwise liable to render any such water injurious or dangerous to health;
- (e) any noxious matter, or waste water, flowing or discharged from any premises, wherever situated, into any public street, or into the gutter or side channel of any street, or into any water-course, irrigation channel or bed thereof not approved for the reception of such discharge;
  - (f) any stable, cow-shed or other building or premises used for keeping of animals or birds which is so constructed, situated, used or kept as to be offensive or which is injurious or dangerous to health;
  - (g) any animal so kept as to be a nuisance, or injurious to health;
  - (h) any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is offensive or which is injurious or dangerous to health;
  - (i) any accumulation of stones, timber, or other building material if such, in the opinion of the Medical Officer of Health, is likely to harbour rats or other vermin;
  - (j) any premises in such a state or condition and any building so constructed as to be likely to harbour rats;
  - (k) any dwelling or premises which is so overcrowded as to be injurious or dangerous to the health of the inmates or is dilapidated or defective in lighting or ventilation, or is not provided with or is so situated that it cannot be provided with sanitary accommodation to the satisfaction of the Medical Officer of Health;
  - (l) any public or other building which is so situated, constructed, used or kept as to be unsafe, or injurious or dangerous to health;
  - (m) any occupied dwelling for which such a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain;
  - (n) any factory or trade premises not kept in a cleanly state and free from offensive smell arising from any drain, privy, water closet, earth closet, or urinal, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein;
  - (o) any factory or trade premises causing or giving rise to smells or effuvia which are offensive or which are injurious or dangerous to health;
  - (p) any area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any infectious communicable or preventable disease or injury or danger to health;
  - (q) any chimney sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health;
  - (r) any cemetery, burial-place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;
  - (s) any act, omission, or thing which is, or may be offensive, dangerous to life, or injurious to health.
- (2) The author of a nuisance means the person by whose act, default or sufferance, nuisance is caused, exists or is continued, whether he be the owner or occupier or both owner and occupier or any other person.

**68. Notice to remove nuisance**

The Local Authority, if satisfied of the existence of a nuisance, shall serve a notice on the author of the nuisance or, if he cannot be found, then on the occupier or owner of the dwelling or premises on which the nuisance arises or continues, requiring him to remove it within the time specified in the notice, and to execute such work and do such things as may be necessary for that purpose and if the Local Authority think it desirable (but not otherwise) specifying any work to be executed to prevent a recurrence of the said nuisance:

Provided that—

- (i) where the nuisance arises from any want or defect of a structure or character, or where the dwelling or premises are unoccupied, the notice shall be served on the owner;
- (ii) where the author of the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the dwelling or premises, the Local Authority shall remove the same and may do what is necessary to prevent the recurrence thereof.

*[As amended by No. 9 of 1937]*

**69. Procedure in case owner fails to comply with notice**

- (1) If the person on whom a notice to remove a nuisance has been served as aforesaid fails to comply with any of the requirements thereof within the time specified, the Local Authority shall cause a complaint relating to such nuisance to be made before a magistrate and such magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.
- (2) If the court is satisfied that the alleged nuisance exists, the court shall make an order on the author thereof, or the occupier or owner of the dwelling or premises, as the case may be, requiring him to comply with all or any of the requirements of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for that purpose.
- (3) The court may by such order impose a fine not exceeding three hundred penalty units on the person on whom the order is made and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal of the nuisance.
- (4) If the nuisance although removed since the service of the notice in the opinion of the Medical Officer of Health or Local Authority is likely to recur on the same premises, the Local Authority shall cause a complaint relating to such nuisance to be made before a magistrate and the magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.
- (5) If the court is satisfied that the alleged nuisance although removed is likely to recur on the same premises, the court shall make an order on the author thereof or the occupier or owner of the dwelling or premises, as the case may be, requiring him to do any specified work necessary to prevent the recurrence of the nuisance and prohibiting its recurrence.
- (6) In the event of the person on whom such order as is specified in subsection (4) and (5) not complying with the order within a reasonable time, the Local Authority shall again cause a complaint to be made to a magistrate, who shall thereupon issue a summons requiring such person to appear before him and on proof that the order has not been complied with may impose a fine not exceeding three hundred penalty units, and may also give directions as to the payment of all costs up to the time of the hearing.
- (7) Before making any order, the court may, if it thinks fit, adjourn the hearing or further hearing of the summons until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.

- (8) Where the nuisance proved to exist is such as to render a dwelling unfit, in the judgment of the court, for human habitation, the court may issue a closing order prohibiting the use thereof as a dwelling until, in its judgment, the dwelling is fit for that purpose; and may further order that no rent shall be due or payable by or on behalf of the occupier of that dwelling in respect of the period in which the closing order exists; and, on the court being satisfied that it has been rendered fit for use as a dwelling, the court may terminate the closing order and by a further order declare the dwelling habitable, and from the date thereof such dwelling may be let or inhabited.
- (9) Notwithstanding any such last mentioned order, further proceedings may be taken in accordance with this section in respect of the same building in the event of any nuisance occurring or of the dwelling being again found to be unfit for human habitation.

*[As amended by No. 9 of 1937 and Act [No. 13 of 1994](#)]*

## **70. Penalties in relation to nuisances**

- (1) Any person who fails to obey an order to comply with the requirements of the Local Authority or otherwise to remove the nuisance, shall, unless he satisfies the court that he has used all diligence to carry out such order, be liable to a fine not exceeding one hundred and twenty penalty units for every day during which the default continues; any person wilfully acting in contravention of a closing order issued under the last preceding section shall be liable to a fine not exceeding one hundred and twenty penalty units for every day during which the contravention continues.
- (2) The Local Authority may in such a case enter the premises to which any such order relates, and remove the nuisance and do whatever may be necessary in the execution of such order, and recover in any competent court the expenses incurred from the person on whom the order is made.

*[As amended by No. 9 of 1937 and Act [No. 13 of 1994](#)]*

## **71. Court may order Local Authority to execute works in certain cases**

Whenever it appears to the satisfaction of the court that the person by whose act or default the nuisance arises, or that the owner or occupier of the premises is not known or cannot be found, the court may at once order the Local Authority to execute the works thereby directed and the cost of executing the same shall be a charge on the property on which the said nuisance exists.

## **72. Examination of premises**

The Local Authority or any of its officers or the Medical Officer of Health, or any Sanitary Inspector, or, on the order of a magistrate, any police officer of or above the rank of Assistant Inspector may enter any building or premises for the purpose of examining as to the existence of any nuisance therein at all reasonable times; and the Local Authority or any of its officers may if necessary open up the ground of such premises and cause the drains to be tested, or such other work to be done as may be necessary for the effectual examination of the said premises:

Provided that, if no nuisance is found to exist, the Local Authority shall restore the premises at its own expense.

*[As amended by No. 47 of 1963]*

## **73. Demolition of unfit dwellings**

- (1) Where under section sixty-seven a nuisance is proved to exist with respect to a dwelling and the court is satisfied that such dwelling is so dilapidated or so defectively constructed or so situated that repairs to or alterations of the same are not likely to remove the nuisance and make such dwelling fit for human habitation, the court may order the owner thereof to commence to demolish the dwelling and other structures on the premises on or before a specified day, being at least one

month from the date of issuing the order, and to complete the demolition and to remove the materials which comprised the same from the site before another specified day.

- (2) The court shall give notice to the occupier of a dwelling in respect of which such an order has been issued requiring him to move therefrom within a time to be specified in such notice, and if any person fails to comply with such notice or enters the dwelling or premises after the date fixed except for the purpose of demolition, he shall be guilty of an offence.
- (3) If any person fails to comply with such an order for demolition, he shall be guilty of an offence and be liable to pay the daily fine provided in section seventy, and the Local Authority may cause the dwelling and any other structures on the premises to be demolished and may recover from the owner the expense incurred in doing so after deducting the net proceeds of the sale of the materials, which the Local Authority may sell by auction.
- (4) No compensation shall be paid by the Local Authority to the owner or occupier of any dwelling or other structure in respect of the demolition thereof as aforesaid, and from the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such dwelling or structure.

#### **74. Prohibitions in respect of back-to-back dwelling, and rooms without through ventilation**

- (1) Within any area to which the Minister may, by statutory notice, apply the provisions of this section, it shall not be lawful for any person after the commencement of this Act—
  - (a) to erect any dwelling constructed on the back-to-back system; or
  - (b) to erect any room intended to be used as a sleeping or living or work room which is not sufficiently lighted by a window or windows of a total area of not less than one-tenth of the floor area, and sufficiently ventilated by two or more ventilation openings or by windows capable of being wholly or partly opened, such windows or openings being so placed as to secure through or cross ventilation; or
  - (c) to erect any dwelling on made ground containing street sweepings, refuse, rubbish or other matter liable to decomposition until the approval of the Local Authority has been obtained and until also such measures for safeguarding health have been taken as the Local Authority may require; or
  - (d) to let or use for habitation any dwelling or room erected anywhere after the commencement of this Act in contravention of paragraph (a), (b) or (c).
- (2) Any person who contravenes any provision of this section shall be liable on conviction to a fine not exceeding one thousand five hundred penalty units, and to a further fine not exceeding sixty penalty units every day during which such contravention continues after the date fixed in any written notice in respect thereof from the Local Authority.

*[As amended by G.N. No. 291 of 1964 and Act [No. 13 of 1994](#)]*

#### **75. Regulations under Part IX**

The Minister may, by statutory instrument, make regulations and may confer powers and impose duties in connection with the carrying out and enforcement thereof on Local Authorities, owners and others as to—

- (a) the inspection of land, dwellings, buildings, factories and trade premises, and for securing the keeping of the same clean and free from nuisance and so as not to endanger the health of the inmates or the public health;

- (b) the construction of buildings, the provision of proper lighting and ventilation, and the prevention of overcrowding;
- (c) the periodical cleansing and whitewashing or other treatment of dwellings and the cleansing of land attached thereto and the removal of rubbish or refuse therefrom;
- (d) the drainage of land, streets or premises, the disposal of offensive liquids and the removal and disposal of rubbish, refuse, manure and waste matters;
- (e) the standard or standards of purity of any liquid which, after treatment in any purification works, may be discharged therefrom as effluent;
- (f) the keeping of animals or birds and the construction, cleanliness and drainage of places where animals or birds are kept;
- (g) the establishment and carrying on of factories or trade premises which are liable to cause offensive smells or effluvia, or to discharge liquid or other material liable to cause such smells or effluvia, or to pollute streams, or are otherwise liable to be a nuisance or injurious or dangerous to health, and for prohibiting the establishment or carrying on of such factories or trade premises in unsuitable localities or so as to be a nuisance or injurious or dangerous to health;
- (h) the subdivision and general layout of land intended to be used as building sites, the level construction, number, direction and the width of streets and thoroughfares, the limitation of the number of dwellings or other buildings to be erected on such land, the proportion of any building site which may be built upon and the establishment of zones within which different limitations shall apply and zones within which may be prohibited the establishment or conduct of occupations or trades likely to cause nuisance or annoyance to persons residing in the neighborhood;
- (i) the inspection of the district of any Local Authority by that Local Authority with a view to ascertaining whether the lands and buildings thereon are in a state to be injurious or dangerous to health and the preparation, keeping, and publication of such records as may be required.

*[As amended by Act [No. 17 of 1957](#) and G.N. Nos. 291 and 500 of 1964]*

## **Part X – Protection of foodstuffs**

### **76. Construction and regulation of buildings used for the storage of foodstuffs**

- (1) All warehouses or buildings of whatever nature used for the storage of foodstuffs shall be constructed of such materials and in such manner as shall, in the opinion of the Medical Officer of Health, render such warehouse or building rat-proof.
- (2) Where any warehouse or building intended for the storage of foodstuffs aforesaid has fallen into a state of disrepair, or does not, in the opinion of the Medical Officer of Health, afford sufficient protection against rat invasion by reason of the materials used in the construction of the same being defective, the Local Authority may by written notice require the owner to effect such repairs and alterations as the notice shall prescribe within a time to be specified in the said notice, and if such requirement is not complied with the Local Authority may enter upon the premises and effect such repairs and alterations, and may recover all costs and expenses incurred from the owner.
- (3) Where, in the opinion of the Medical Officer of Health, any foodstuffs within a warehouse or building are insufficiently protected, the owner thereof shall observe all written instructions and directions of the Local Authority within a time to be specified in the notice for the better protection of the same:



Provided that in the case of any prosecution under this section, the court may in its discretion acquit the accused if it is satisfied that all reasonable steps have been taken to exclude rats having regard to all the circumstances of the case.

*[As amended by No. 9 of 1937]*

**77. No person shall reside or sleep in any room in which foodstuffs are stored, etc.**

- (1) No person shall reside or sleep in any kitchen or room in which foodstuffs are prepared or stored for sale.
- (2) If it appears to the Medical Officer of Health that any such kitchen or room is being so used contrary to the provisions of this section, or that any part of the premises adjoining the room in which foodstuffs are stored or exposed for sale is being used as a sleeping apartment under such circumstances that the foodstuffs are likely to be contaminated or made unwholesome, the Local Authority may serve upon the offender or upon the owner of the house, or upon both, a notice calling for such measures to be taken as shall prevent the improper use of such kitchen and premises within a time to be specified in the notice, and if such notice be not complied with the party upon whom it was served shall be guilty of an offence.

*[As amended by No. 9 of 1937]*

## **Part XI – Water and food supplies**

**78. Duty of Local Authority as to pollution of water supplies**

It shall be the duty of every Local Authority to take all lawful, necessary and reasonably practicable measures—

- (a) for preventing any pollution dangerous to health of any supply of water which the public within its district has a right to use and does use for drinking or domestic purposes (whether such supply is derived from sources within or beyond its district); and
- (b) for purifying any such supply which has become so polluted;  
and to take measures (including, if necessary, proceedings at law) against any person so polluting any such supply or polluting any stream so as to be a nuisance or danger to health.

**79. Sale of unwholesome food prohibited**

No person shall sell or expose for sale or bring into Zambia or into any market or have in his possession without reasonable excuse any food for any animal in an unwholesome state or unfit for its use, and any Medical Officer of Health, Veterinary Officer, Sanitary Inspector, Meat Inspector or police officer of or above the rank of Sub-Inspector may seize any such food, and any District Secretary on the recommendation of the Medical Officer of Health or Veterinary Officer may order it to be destroyed or to be so disposed of as to prevent it from being used as food for animals.

*[No. 22 of 1972]*

**80. Seizure of unwholesome food**

Any Medical Officer of Health, or other person duly authorised by the Local Authority in writing, may, at any time between the hours of 6 a.m. and 6 p.m., enter any shop or premises used for the sale or preparation for sale, or for the storage of food, to inspect and examine any food found therein which he shall have reason to believe is intended to be used as human food, and should such food appear to such officer to be unfit for such use, he may seize the same, and any Administrative Officer may order it to be



disposed of as in the foregoing section. The proof that such food was not exposed or deposited for any such purpose shall rest with the person charged.

*[As amended by G.N. No. 500 of 1964]*

## **81. Penalty**

Any person in whose possession there shall be found any food liable to seizure under sections seventy-nine and eighty shall further be liable to a penalty not exceeding three thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

*[As amended by Act [No. 13 of 1994](#)]*

## **82. Regulations under Part XI**

The Minister may, by statutory instrument, make regulations regarding all or any of the following matters:

- (a) the inspection of dairy stock and of animals intended for human consumption, and of dairies, stock-sheds or yards, milk-shops, milk-vessels and slaughter-houses, and of factories, stores, shops and other places where any article of food is manufactured or prepared or kept;
- (b) the taking and examination of samples of milk, dairy produce, meat or other articles of food and the removal or detention, pending examination or inquiry, of animals or articles which are suspected of being diseased or unsound or unwholesome or unfit for human consumption, and the seizure and destruction or treatment or disposal, so as not to endanger health, of any such article which is found to be unwholesome or unsound or diseased or infected or contaminated, and of diseased animals sold or intended or offered or exposed for sale for human consumption; such regulations may empower a Medical Officer of Health, or (in the case of meat) a Veterinary Officer, to detain, seize or destroy any diseased, unsound or unwholesome article of food, but shall not confer on any other person any power beyond that of detention of such article for the purpose of examination by a Medical Officer of Health, or (in the case of meat) a Veterinary Officer;
- (c) fixing standards of milk contents and cleanliness of milk and prescribing the warning to be given to any cow-keeper, dairyman or purveyor of milk that any milk sold or kept or transmitted or exposed for sale by him has been found to be below any such standard, and the issue of orders prohibiting the sale or keeping or exposure for sale of milk from any particular animal or animals, or requiring the closing of any dairy, stock-shed or yard or milk-shop, the milk from which is found after analysis and official warning to be below any such standard;
- (d) the conveyance and distribution of milk and the labelling or marking of receptacles used for the conveyance of milk;
- (e) the veterinary inspection of dairy stock;
- (f) the duties of cow-keepers, dairymen and purveyors of milk in connection with the occurrence of infectious disease amongst persons residing or employed in or about their premises and the furnishing by them of the names and addresses of their customers, and of cow-keepers in connection with reporting the occurrence, in animals on the premises or any dairy cattle, of diseases which are communicable to man and of any disease of the udder;
- (g) the inspection and examination of, and the regulation, inspection and supervision of the manufacture, preparation, storage, keeping and transmission of any article of food intended for sale or for export from Zambia and the prohibition of the manufacture, preparation, storage, keeping, transmission, sale or export from Zambia of any such article which is, or contains an ingredient which is diseased or unsound or unfit for human consumption, or which has been exposed to any infection or contamination;

- (h) the establishment, locality, supervision, equipment, maintenance and management of slaughter-houses and places in which animals awaiting slaughter are kept and the disposal of the waste products of slaughtering and the inspection of slaughter-houses and the animals therein, and prohibiting, restricting or regulating the slaughtering of animals.

*[As amended by No. 1 of 1931, No. 17 of 1957 and No. 22 of 1972]*

### **83. Minister's power to make orders on advice of Board**

The Minister, on the advice of the Board, may make orders—

- (a) requiring the medical examination of any person in any premises in which any milk or dairy produce or other article of food intended for sale is collected, kept, sold, or exposed for sale, or of any person who has been engaged in the collection, preparation, keeping, conveyance or distribution of any such milk or produce or article;
- (b) prohibiting the employment by any cow-keeper, dairyman or purveyor of milk or other person in connection with the collection, preparation, storage, distribution or sale of milk, or dairy produce or any article of food, of any person who has been proved to be a carrier of the infection of typhoid or enteric fever or other infectious disease, while so infected;
- (c) requiring the closing of any stock-shed or yard, dairy or milk-shop, or the exclusion from any stock-shed or dairy premises of any animal the milk from which is believed to have conveyed or to be liable to convey any infectious disease;
- (d) prohibiting the sale or exposure for sale of milk by any cow-keeper, dairyman or purveyor of milk who has been three times convicted of offences under any laws or rules regarding the milk trade.

## **Part XII – Prevention and destruction of mosquitoes**

### **84. Breeding places of mosquitoes to be nuisances**

For the purposes of this Act—

- (a) any collection of water, sewerage, rubbish, refuse, ordure, or other fluid or solid substance, which permits or facilitates the breeding or multiplication of animal or vegetable parasites of men or domestic animals, or of insects or of other agents, which are known to carry such parasites or which may otherwise cause or facilitate the infection of men or domestic animals by such parasites;
- (b) any collection of water in any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket, or any other article, and found to contain any of the immature stages of the mosquito;
- (c) any cesspit, latrine, urinal, dung-pit or ash pit found to contain any of the immature stages of the mosquito;

shall be nuisances liable to be dealt with in the manner hereinbefore provided for the treatment of nuisances.

### **85. Yards to be kept free from bottles, whole or broken, etc.**

The occupier or owner of any premises shall keep such premises free from all bottles, whole or broken, whether fixed on wall or not, tins, boxes, calabashes, earthenware vessels, shells, or any other articles which are kept so that they are likely to retain water. Any occupier or owner of any premises failing to comply with the provisions of this section shall be liable to a fine not exceeding one hundred and fifty penalty units.

*[As amended by Act [No. 13 of 1994](#)]*

**86. Clearing of bush or long grass**

A person shall not within a township permit any premises or lands owned or occupied by him or over which he has control to become overgrown with bush or long grass of such nature as, in the opinion of the Medical Officer of Health, to be likely to harbour mosquitoes.

**87. Wells, etc., to be covered**

It shall not be lawful for any person to keep, or for the occupier or owner of any premises to allow to be kept thereon, any collection of water in any well, barrel, tub, bucket, tank or other vessel intended for the storage of water, unless such well, barrel, tub, bucket, tank or other vessel is fitted with a sufficient cover, the said cover to be kept in good repair and properly protected or screened to the satisfaction of the Medical Officer of Health so as to prevent the ingress of mosquitoes into the same. Any person offending against the provisions of this section shall be liable to a fine not exceeding one hundred and fifty penalty units, and after notice received from a local authority to a further fine not exceeding thirty penalty units for each day during which he shall make default.

*[As amended by No. 9 of 1937 and Act [No. 13 of 1994](#)]*

**88. Cesspits to be screened**

The occupier or owner of any premises upon or attached to which is any cesspit shall cause such cesspit to be properly protected or screened to the satisfaction of the Medical Officer of Health so as to prevent the ingress of mosquitoes into the same, and in default he shall be liable to a fine not exceeding one hundred and fifty penalty units and to a further fine not exceeding thirty penalty units for each day during which he shall continue to make such default after notice received from that local authority to comply with the provisions of this section.

*[As amended by Act [No. 13 of 1994](#)]*

**89. Larvae, etc., may be destroyed**

Where any of the immature stages of the mosquito are found on any premises in any collection of water in any cesspit, well, pool, channel, barrel, tap, bucket, tank or any other vessel or any bottle, whole or broken, whether fixed on the wall or not, tin, box, calabash, shell, or any other article, it shall be lawful for the Medical Officer of Health, to take immediate steps to destroy any such immature stages of the mosquito by the application of oil or larvicide or otherwise, and to take such action as is necessary to prevent the recurrence of the nuisance and to render any pools or collections of water unfit to become breeding places for mosquitoes.

**90. Mere presence of mosquito larvae an offence**

Notwithstanding any provisions of this Act, the occupier or owner of any house or premises, or the owner or person having the charge of any vessel, timber, cask, or other article in all about which there is any collection of water, found by the Medical Officer of Health or a health inspector to contain any of the immature stages of the mosquito, shall be liable in respect of each and every such collection of water to a fine not exceeding one hundred and fifty penalty units or in default to be imprisoned with or without hard labour for seven days.

*[As amended by No. 14 of 1966 and Act [No. 13 of 1994](#)]*

## Part XIII – Cemeteries

### 91. Cemeteries to be appointed

- (1) It shall be lawful for the Minister to select and appoint within Zambia and to notify in the *Gazette* sufficient and proper places to be the sites of and to be used as cemeteries-and save as in sub-section (2) provided, it shall be obligatory where such cemeteries exist to bury the dead in such cemeteries.
- (2) It shall not be lawful for any person to export any corpse from Zambia or to cremate any corpse within Zambia without the express permission in writing of the \*Minister first had and obtained only subject to such conditions as the Minister may impose or by regulation prescribe.

\*Powers delegated to Provincial Medical Officer by S.I. No. 36 of 1964.

*[As amended by G.N. No. 291 of 1964 and No. 69 of 1965]*

### 92. List of authorised cemeteries

All cemeteries now being used as such and such other cemeteries as may be authorised by the Minister, notice whereof shall be published in the *Gazette*, shall be deemed authorised cemeteries.

*[As amended by G.N. No. 291 of 1964]*

### 93. Permit to exhume

- (1) Subject to the provisions of section ninety-four, it shall not be lawful to exhume any body or the remains of any body which may have been interred in any authorised cemetery or any other cemetery, burial ground or other place without a permit granted in manner hereinafter provided.
- (2) Conditions of permit to exhume  
Such permit shall be granted only to the legal Personal representative or next of kin of the person buried, or to his or their duly authorised agent.
- (3) Such permit may be granted by the Minister in respect of any body or the remains of any body interred in any cemetery or burial ground or any other place.
- (4) The permitting authority may prescribe such precautions as he may deem fit as the condition of the grant of such permit, and any person who shall exhume any body or the remains of any body contrary to this Act, or who shall neglect to observe the precautions prescribed as the condition of the permit, shall be liable to a fine not exceeding two thousand two hundred and fifty penalty units:

Magistrate to make order of exhumation

Provided always that nothing herein contained shall be deemed to affect the right of Magistrate to make a magistrate to order the exhumation of a body or the remains of any body for the purpose of holding an inquiry into the cause of death of any person.

*[As amended by Acts No. 36 of 1933, No. 44 of 1957 and G.N. No. 291 of 1964 and Act [No. 13 of 1994](#)]*

### 94. Directions for removal or covering over of graves for public or mining purposes

- (1) It shall be lawful for the Minister—

- (a) whenever he shall deem it expedient for the execution of any public work or for any public, mining or industrial purpose, to direct in writing under his hand the removal, in such manner as he shall think fit, of any body or the remains of any body from any grave, whether in an authorised cemetery or elsewhere; or
  - (b) whenever he shall deem it expedient for any purpose connected with or ancillary to mining operations, to direct in writing under his hand the covering over of any grave or graves and related monuments, whether in an authorised cemetery or elsewhere, by means of any substance including earth, stones, rock or mining overburden.
- (2) Neither such direction shall be made in respect of any grave situated in an authorised cemetery until six months' notice of the intention to make it shall have been given by notification in the *Gazette*. Copies of such notice (which may include reference to and particulars of more than one grave) shall be posted at or near the grave or graves involved, and copies shall be sent by post in a registered letter to the legal personal representative or next of kin of the person buried, if his or their address can be ascertained.
- (3) When a direction is made ordering a removal from, or the covering over of, a grave situate elsewhere than in an authorised cemetery, six months' notice of such direction shall, so far as it is possible to do so, be given to the legal personal representative or next of kin of the person buried before the work of removal or covering over is undertaken.
- (4) Due regard shall be given to the wishes of the legal personal representative or next of kin concerning reinterment, if known or forthcoming as a result of the said notices or otherwise, and where, but for such wishes the Minister would have made a direction for, or work would have commenced on, the covering over of any graves, he may instead make a direction for removal as regards any particular grave or graves.
- (5) The Government shall make proper and fitting arrangements for the reinterment in an authorised cemetery of any body or the remains of any body removed under this section, and for the removal and re-erection of any monument, all charges in connection therewith being defrayed out of the public revenue.

[No. 49 of 1970]

## 95. Record of permit for exhumation

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

[As amended by Act [No. 49 of 1970](#)]

## 96. Closing of cemeteries by Minister

It shall be lawful for the Minister to notify in the *Gazette* that any cemetery or burial ground shall, from a time in such notification to be specified, be closed, and the same shall be closed accordingly, and whosoever, after the said specified time, shall bury any body or the remains of any body in the said cemetery or burial ground, shall be liable to a fine not exceeding one hundred and fifty kwacha.

[As amended by No. 44 of 1957 and G.N. No. 291 of 1964]

## 97. Reimbursement of expenses to Board

All reasonable expenses incurred by the Board in consequence of any default in complying with any order or notice issued under the provisions of this Act shall be deemed to be money paid for the use and at the request of the person on whom the said order or notice was made, and shall be recoverable from him at

the suit of the Board as a civil debt recoverable summarily. The provisions of this section shall apply to any orders or notices issued under any rules by the Local Authority.

## Part XIV – General

### 98. Basements not to be occupied without permission

It shall not be lawful to live in, occupy or use or to let or sublet, or to suffer or permit to be used any basement for habitation, nor shall it be lawful, without the written permission of the Local Authority, to use such basement as a shop, workshop, or factory, or for the preparation or storage of food, and no basement shall be used unless it is well lit and ventilated and is free from damp and is rendered rat-proof to the satisfaction of the Medical Officer of Health.

### 99. Lodging-houses to be registered and the keeper licensed

The Minister may, by statutory instrument, make regulations for the conduct and inspection of lodging-houses and no person shall open or keep open a lodging-house unless the house is registered and the keeper thereof is licensed by the Local Authority.

*[As amended by No. 17 of 1957 and G.N. No. 291 of 1964]*

### 100. Nursing homes to be licensed

(1) A person shall not open or keep open a nursing home, convalescent home, private hospital, infirmary or any institution where invalids or convalescents are treated or received upon payment of fees or charges unless the house is registered and the keeper thereof licensed by the Director of Medical Services.

(2) Nursing homes may be inspected

The Director of Medical Services may authorise a medical practitioner on his behalf to visit any such premises as in this section mentioned to report to him upon any matter or thing connected with the premises or the use thereof.

(3) Obstructing an inspection

Any person who knowingly obstructs an authorised medical practitioner in any such inspection as is authorised by the Director of Medical Services and in rules shall be guilty of an offence.

### 101. Board may apply to Minister for land for additional public latrines

When in the opinion of the Local Authority additional public latrine accommodation is required in any locality upon unalienated State Land, the Local Authority shall apply in writing to the Minister, specifying the site upon which it desires the erection of a public latrine, and the accommodation to be provided by such latrine, and the Minister shall, after due inquiry, give his decision on the matter.

*[As amended by G.N. No. 291 of 1964]*

### 102. Control of crops and irrigation

(1) If the Minister, upon the advice of the Board, is satisfied that it is necessary for the protection of public health within the boundaries of a township so to do, he may, by statutory order, prohibit or restrict the growing of any crop or the irrigation of any land within any area within 4.827 kilometers of the boundary of such a township.

(2) The Minister may, by statutory instrument, make regulations for ensuring that the health of the inhabitants of a district may be safeguarded in respect of—

- (a) the prevention of pools of standing water;
  - (b) the drainage and control of such pools when they exist;
  - (c) the inspection, repair and cleansing of open channels, canals and drains.
- [As amended by No. 64 of 1953 and No. 69 of 1965]*

### **103. Supervision of importation or manufacture of vaccines, etc.**

- (1) The Minister may provide for the inspection, sampling and examination, by officers of the Department of Health, of vaccines, vaccine lymphs, sera, and similar substances imported into or manufactured in Zambia and intended or used for the prevention or treatment of human diseases, and may prohibit the importation, manufacture, or use of any such substance which is considered to be unsafe or to be liable to be harmful or deleterious.
- (2) The Minister may, by statutory instrument, make such regulations as he may consider necessary for properly carrying out the provisions of this section.

## **Part XV – Miscellaneous provisions**

### **104. Notices, etc. may be printed or written**

Notices, orders, and other documents under this Act, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Board, or a Local Authority, the signature thereof respectively by the secretary, Town Clerk, Sanitary Inspector or District Secretary, as the case may be, shall be sufficient authentication.

*[As amended by No. 9 of 1937]*

### **105. Service of notices**

Notices, orders and other documents required or authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same, or a true copy thereof, to some person on the premises, or if there be no person on the premises who can be served by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall *prima facie* be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order or other document was properly addressed and put in the post.

### **106. Powers and duties of officers of Health Department**

The Deputy Director of Medical Services, the Chief Health Officer, any Health Officer, Medical Officer of Health, Port Health Officer or Government Medical Officer may, with the authority and on behalf of the Director of Medical Services, discharge any of the duties or functions of the Director of Medical Services, and any duties imposed or powers conferred by this Act on Medical Officers of Health, Port Health Officers, or Medical Officers may be carried out or exercised by the Director of Medical Services, Deputy Director of Medical Services, Chief Health Officer or any Government Medical Officer designated by the Director of Medical Services for that purpose.

### **107. Defect in form not to invalidate notices, etc.**

No defect in the form of any notice or order made under this Act shall invalidate or render unlawful the administrative action, or be a ground for exception to any legal proceedings which may be taken in the



matter to which such notice or order relates, provided the requirements thereof are substantially and intelligibly set forth.

#### **108. Powers of entry and inspection of premises and penalties for obstruction**

- (1) Any Medical Officer of Health or Sanitary Inspector, or Port Health Officer, or any police officer of or above the rank of Sub-Inspector, or any other person generally or specially authorised in writing by the Director of Medical Services, Medical Officer of Health, or Local Authority, may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorised by this Act or any other written law to be done, if such inspection, work or thing is necessary for or incidental to the performance of his duties or the exercise of his powers.
- (2) Any person who fails to give or refuses access to any officer, inspector or person mentioned in or authorized under subsection (1), if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this Act, or who fails or refuses to give information that he may lawfully be required to give to such officer, inspector or person, or who gives to such officer, inspector or person false or misleading information knowing it to be false or misleading, or who prevents the owner or any of his servants or workmen from entering any land or dwelling or premises for the purpose of complying with any requirement under this Act, shall be guilty of an offence.

*[As amended by Act [No. 47 of 1963](#)]*

#### **109. Penalties where not expressly provided**

Any person guilty of an offence against or contravention of, or default in complying with, any provision of this Act shall, if no penalty is expressly provided for such offence, contravention or default, be liable on conviction to a fine not exceeding seven hundred and fifty penalty units, and if the offence, contravention, or default is of a continuing nature, to a further fine not exceeding ninety penalty units for each day during which he shall make default provided that, where the offence is in respect of any building or premises for which a licence is required under any law for the time being in force, the court before which any such conviction is obtained may in addition to or in substitution for any of the aforesaid penalties revoke or suspend such licence.

*[As amended by Act [No. 13 of 1994](#)]*

#### **110. Liability of secretary or manager of company**

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

#### **111. Proceedings against several persons**

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

#### **112. Prosecutions**

A Local Authority may, by any of its officers, or by any person generally or specially authorised in writing by the Mayor or chairman thereof, prosecute for any contravention of, or offence against, or default in offence against, or default in complying with any provision of this Act or any regulation made or deemed



to be made thereunder, if the contravention, offence, or default is alleged to have been committed within or to affect its district.

*[As amended by No. 36 of 1965]*

### **113. Power of Local Authority outside its district**

Nothing in any law specially governing any Local Authority shall be construed as preventing such Local Authority from exercising any power or performing any duty under this Act by reason only that in exercising such power or performing such duty it must do some act or thing or incur expenditure outside its district.

### **114. Regulations**

The Minister shall have power, by statutory instrument, to make regulations generally for the carrying out of the purposes of this Act.

*[As amended by Act [No. 51 of 1963](#)]*

### **115. Power to proceed where cause of nuisance arises without district**

For the purposes of Part IX, where the nuisance within the district of a Local Authority appears to be wholly or partially caused by some act or default committed or taking place without its district, the Local Authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances and authorised by this Act, with the same incidence and consequences, as if such act or default were committed or took place wholly within its district.

*[No. 34 of 1930]*

### **116. Emergency powers of Local Authority**

Where in any district no Medical Officer of Health is immediately available and where the circumstances render immediate action necessary for the prevention of the spread of disease or generally for safeguarding the health and well-being of the community, the Local Authority may exercise the powers conferred and perform the duties imposed by this Act on a Medical Officer of Health.

*[No. 34 of 1930]*

## **Schedule**

### **Prescribed forms**

#### **Form 1 Certificate of unfitness for vaccination (Section 41)**

I, the undersigned, hereby certify that in my opinion \_\_\_\_\_ is not now in a fit and proper state to be vaccinated, and I do hereby recommend that the vaccination be postponed for the period of six months from this date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_

Medical Practitioner or Public Vaccinator

**Form 2 Certification of insusceptibility to successful vaccination (Section 42)**

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated \_\_\_\_\_ (or that \_\_\_\_\_ has already had smallpox as the case may be) and I am of opinion that the said \_\_\_\_\_ is insusceptible of successful vaccination.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_

Medical Practitioner or Public Vaccinator

**Form 3 Certificate of successful vaccination (Section 43)**

I, the undersigned, hereby certify that \_\_\_\_\_ has been successfully vaccinated by me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_

Medical Practitioner or Public Vaccinator