[Chap3401]CHAPTER 34:01

PUBLIC HEALTH

ARRANGEMENT OF SECTIONS

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Public Health (Government Hospitals (Fees) Rules

12 of 1948
44 of 1950
8 of 1951
37 of 1967
30 of 1969
34 of 1969
43 of 1971
3 of 1975
21 of 1992
G.N. 185/1954(F)
29/1959(F)
22/1963

224/1963
219/1964(N)
166/1967
An Act to amend and consolidate the law regarding the preservation of public health
[29TH JULY 1948]
[Ch3401s1]1. Short title

This Act may be cited as the Public Health Act.

[Ch3401s2]2. Application of Act

This Act, or specified provisions thereof only, shall apply to such part or parts of Malawi as the Minister may direct by notice published in the Gazette.

[Ch3401s3]3. Power to vary application

The Minister may by notice published in the Gazette suspend or rescind the application of this Act, or of specified provisions thereof, to any part or parts of Malawi to which it, or such specified provision, has or have been applied.

PART I

INTERPRETATION OF TERMS

[Ch3401s4]4. Interpretation

In this Act and in any Rules made under this Act, unless the context otherwise requires, the following terms have the following meanings—

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

21 of 1992"assisted hospital" means a hospital or any other health facility which is maintained in whole or in part by grants-in-aid;

21 of 1992"Board or Board of Governors" means a Board of Governors established under Part IIA;

"building" includes any structure whatsoever whether permanent or temporary for whatsoever purpose used;

"burial" means 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;

"carrier of a disease" means one in whose body the infection of a disease is still present and liable to be transmitted to another person, although the carrier is not himself suffering from the disease in an active form;

"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 is manufactured into butter, ghee, 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 together with its appurtenances 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 drainage of two or more buildings or premises occupied by different persons is conveyed, and includes any pipe or channel whether opened or closed, used or intended to be used for the drainage of land;

“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;

“to erect” in reference to a dwelling or room includes “to alter", “add to” or “convert into” and “erected” has a corresponding meaning;

“factory” means any premises wherein, or within the close or curtilage or precincts of which, steam, water, or other power whether mechanical or manual is used in aid of the manufacturing process there carried on;

“food” means any article used for food or drink other than drugs or water, but includes ice, and any article which ordinarily enters into or is used in the composition or preparation of human food, and includes flavouring matters and condiments, and “foodstuffs” has a corresponding meaning;

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

“health officer” means a medical officer of health and a health inspector;

“health inspector” means a health inspector of the Ministry of Health or one employed by a local authority;

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

“infectious disease” means any disease which can be communicated directly or indirectly by any person suffering therefrom to any other person;

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

“keeper of a lodging-house” means any person keeping a 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;

“lodging-house” means a building or part of a house including the veranda thereof, if any, which is let or sublet in lodgings or otherwise, either by storeys, by flats, by rooms, or by portions of rooms;

“medical observation” means the isolation of persons in a suitable place;

“medical officer” means any registered or licensed medical practitioner in the employment of the Government and includes any person authorized by the Secretary for Health to act as a medical officer;

"medical officer of health" means the Secretary for Health or any medical officer appointed by the Secretary for Health to act as such in any area;

"medical practitioner" means a person who is registered or licensed as such under any law in force in Malawi governing the registration of medical practitioners;

"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 officer duly authorized by the Secretary for Health to remain within a specified area or to attend or medical examination at specified places and times;

"occupier" shall include 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 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, fell-monger, soap-boiler, tallow-melter, tripe-boiler, tanner, preparer or storer of hides, manure manufacturer, and any other noxious or offensive trade, business or manufacture declared by the Minister by notice published in the Gazette to be a noxious or offensive trade;

"owner" shall, as regards immovable property, include any person, other than the Government, receiving the rent or profits of any land 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 Government entitled thereto or interested therein. The term includes any lessee or licensee from the Government and any superintendent, overseer, or manager, of such lessee or licensee residing on the lands or premises;

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

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

21 of 1992"proprietor" in relation to an assisted hospital, includes a former proprietor;

"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 public place of assembly or entertainment for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose;

"public vehicle" means any vehicle which plies or stands for hire, or is from time to time let out for hire or is intended to be let out for hire and includes any railway coach or aircraft or vessel;

"slaughter-house" means any premises set apart for the purpose of a slaughter-house by a local authority;

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

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

"vehicle" means every means of conveyance or of transit or parts thereof manufactured for use or capable of being used on land, water or in the air and in whatever way driven or propelled or carried;

"veranda" includes any stage, platform or portico projecting from the external wall of any building;

"veterinary officer" means the Director of Veterinary Services or any veterinary officer in the employment of the Government or any member of the Government veterinary staff appointed by the Director of Veterinary Services to act as such in any area;

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

PART II

ADMINISTRATION

[Ch3401s5]5. Power to direct inquiries

The Minister may cause to be made such inquiries as he may see fit in relation to any matters concerning the public health in any place.

[Ch3401s6]6. Power of persons directed to make inquiries

When the Minister directs any inquiry to be made, the person directed to make such inquiry shall have free access to all books, plans, maps; documents, and other things relevant to the inquiry, and shall have in relation to witnesses and their examination and the production of documents similar powers to those conferred upon Commissioners by the Commissions of Inquiry Act, and may enter and inspect any building, premises, or place, the entry or inspection whereof appears to him requisite for the purpose of such inquiry. Cap. 18:01

[Ch3401s7]7. General duties of local authorities

It shall be the duty of every local authority to take all lawfull, necessary and under its special circumstances reasonable and practicable measures for preventing the occurrence or dealing with any outbreak or prevalence of any infectious, communicable or preventable disease, to safeguard and promote the public health, and to exercise the powers and perform the duties in respect of the public health conferred or imposed on it by this Act or by any other law.

[Ch3401s8]8. Proceedings on complaint against local authorities

Whenever any complaint is made that the public health in any locality is endangered by the failure or refusal on the part of the local authority to exercise the powers or perform the duties devolving upon it under this Act, the Minister, if satisfied after due inquiry that the local authority is guilty of default, may make an order directing the local authority to perform its duty in the matter of such complaint and prescribing a time for such performance. If such order is not obeyed within the time prescribed the Minister may appoint some person to carry out such order, and the cost of carrying out the order may be recovered as a debt due to the Government from the local authority.

[Ch3401s9]9. Powers of person appointed under preceding

Any person appointed under the last preceding section to perform the duty of a defaulting local authority shall, in the perfomance and for the purpose of such duty, have all the powers of such local authority other than the powers of levying rates vested in any local authority pursuant to the provision of any Act in that behalf, and the Minister may from time to time by order change any person so appointed.

[Ch3401s10]10. This Act in relation to other Acts

Save as is specially provided in this Act, this Act shall be deemed to be in addition to and not in substitution for any provisions of any other Act which are not in conflict or inconsistent with this Act.

PART IIA

MANAGEMENT OF ASSISTED HOSPITALS

[Ch3401s10A]10A. Board of Governors of assisted hospitals

21 of 1992(1) Where, in the opinion of the Minister, it is desirable that a Board of Governors should be set up to manage an assisted hospital or a group of assisted hospitals, he shall cause proposals for that purpose to be placed before the proprietor of that hospital or group of hopitals.

(2) Where, in the opinion of the proprietor of any assisted hospital or group of assisted hospitals, it is desirable that a Board of Governors be set up to manage the hospital or group of hospitals, the proprietor shall submit proposals for that purpose to the Minister.

(3) The Minister may, by order published in the Gazette establish a Board of Governors for the hospital or group of hospitals to which such proposals relate in accordance with any agreement which may be reached between him and the propietor.

[Ch3401s10B]10B. Contents of order

21 of 1992(1) An order establishing a Board of Governors under section 10A shall provide for—

(a) the name of the Board;

(b) the exercise by the Board of the duty of management of the assisted hospital or group of hospitals specified in the order, subject to such limitations or restrictions as may be specified;

(c) the membership of the Board, including representation on the Board of the Ministry, the proprietor, the community or communities served by the hospital or group of hospitals and such bodies or organizations as may be agreed upon by the Minister and the proprietor, all in such numbers and proportions as may be so agreed;

(d) the method by which the continuity of the membership of the Board may be provided;

(e) the revocation of the appointment of, the retirement and resignation of, members of the Board and the appointment of new members thereof and of temporary members thereof in case of absence or inability to act of any members thereof;

(f) the respective responsibilities, duties and powers of the Board and of the other persons (if any) in whom any land or other property is vested in trust for or for the benefit of any

hospital affected by the order and in respect of the use of the buildings and grounds of any such hospital at times when they are not required to be used for purposes of health services;

(g) such other matters as the Minister may, in agreement with the proprietor, consider necessary in respect of the constitution, functions or procedure of the Board.

(2) A Board of Governors established under subsection (1) shall be a body corporated by the name of the Board, unless the order by which it is established otherwise provides. Such body corporate shall have perpetual succession and may sue and be sued by its name and shall have power to make contracts and to own land.

(3) All or any property of the proprietor may be vested by an order made under section 10A in the Board of Governors thereby established or in trustees for the assisted hospital or group of assisted hospitals thereby affected.

(4) In any case in which property is or remains vested in trustees for an assisted hospital or group of assisted hospitals, the order establishing a Board of Governors thereof may provide that the Board shall have sole responsibility for management of the assisted hospital or group of assisted hospitals and in such case the trustees shall, notwithstanding any other provision of this Act or of any other written law, be under no liability as proprietors for any act or omission in relation to the management of the assisted hospital or group of assisted hospitals by the Board of Governors thereof, who shall be solely responsible for their own acts and omissions.

(5) An order made under section 10A may be amended by the Minister at any time with the agreement of the proprietor of the assisted hospital or group of assisted hospitals thereby affected:

Provided that if such proprietor has died or ceased to exist, such amendment may be made without any such agreement.

PART III

NOTIFICATION OF INFECTIOUS DISEASES

[Ch3401s11]11. Notifiable diseases

The provisions of this Act, unless otherwise expressed, shall, so far as they concern notifiable infectious diseases, apply to anthrax; blackwater fever; cerebro-spinal meningitis or cerebro-spinal fever; cholera; diphtheria or membranous croup; dysentery (bacillary); encephalitis lethargica; enteric or typhoid fever (including paratyphoid); erysipelas; hydrophobia or human rabies; influenza; measles; plague; acute primary pneumonia; acute anterior poliomyelitis; acute polioencephalitis; puerperal fever (including septicaemia, pyaemia, ceptic pelvic cellulitis or other serious septic condition occurring during the puerperal state); relapsing fever; scarlet fever or scarlatina; sleeping sickness or human trypanosomiasis; smallpox or any disease resembling smallpox; all forms of tuberculosis which are clinically recognizable apart from reaction to the tuberculin test; typhus fever; whooping-cough and yellow fever.

[Ch3401s12]12. Declaration of notifiable diseases by Minister

The Minister may by notice published in the Gazette—

(a) declare that any infectious disease other than those specified in section 11 shall be a notifiable disease under this Act;

(b) declare that only such provisions of this Act as are mentioned in such notice shall apply to any such notifiable 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.

[Ch3401s13]13. Notification of infectious diseases

(1) Where an inmate of any dwelling in Malawi is suffering from any notifiable infectious disease, unless such dwelling 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 dwelling 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, boardinghouse 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 manager, 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 postmortem examination or otnerwise that any, person has died of a notifiable infectious disease shall immediately furnisn 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 fine of £5:

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.

[Ch3401s14]14. Regulations for the notification of infectious diseases

The Minister may, in respect of the notification of infectious disease, 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 to the keeping of registers and records of such notifications;

(e) the duties of registrars of death in respect of furnishing the local authority with notification of returns 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 local authority;

(g) the forms to be used and the particulars to be furnished by the local authorities when transmitting returns and reports to the Secretary for Health,

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.

[Ch3401s15]15. Fees for certificates

The local authority shall pay to every medical practitioner, other than a Government medical officer, for each certificate duly sent by him in accordance with this Act a fee of five shillings.

PART IV

PREVENTION AND SUPPRESSION OF INFECTIOUS DISEASES

[Ch3401s16]16. Powers of medical officer of health to inspect premises and persons

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 or is a carrier of any such disease and may cause a post-mortem examination to be made on any corpse for the purpose of ascertaining if the cause of death has been any infectious disease.

[Ch3401s17]17. Cleansing and disinfection of premises and articles therein

(1) If a local authority is satisfied upon a certificate of a medical officer of health or a health inspector that the cleansing and disinfection of any premises, and the disinfection and destruction of any articles therein likely to retain infection, would tend to prevent the spread of

any infectious disease, the authority shall give notice to the occupier of the premises that it will at his cost cleanse and disinfect the premises and disinfect or, as the case may require, destroy any such articles therein.

(2) The authority may, twelve hours after the delivery of such notice, or at any time with the consent of the occupier, cause the premises to be cleansed and disinfected and the articles to be disinfected or destroyed, as the case may require, and may, if it thinks fit, recover from him the expenses reasonably incurred by it in so doing.

(3) Where a local authority has under this section disinfected any premises or article, or destroyed any articles, it may if it thinks fit, pay compensation to any person who has suffered damage by its action.

(4) For the purpose of this section, the owner of unoccupied premises shall be deemed to be in occupation thereof.

[Ch3401s18]18. No compensation for deprivation during disinfection

Compensation shall not be payable in respect of the deprivation of the occupation or use of any building or part thereof or of the use of any article occasioned by disinfection, if no undue delay has occurred.

[Ch3401s19]19. 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 dealt with free of charge.

[Ch3401s20]20. Provision of conveyance for infected persons

Any local authority may provide and maintain a conveyance or conveyances for the carriage of persons suffering from any infectious disease and may pay the expenses of carriage therein of any person so suffering to a hospital or other place of detention.

[Ch3401s21]21. Provision for removal to hospital of persons suffering from infectious diseases where serious risk

Where the local authority is satisfied on a certificate of the medical officer of health that a person is suffering from an infectious disease and—

(a) that his circumstances are such that proper precautions to prevent the spread of infection cannot be taken, or that such precautions are not being taken; and

(b) that serious risk of infection is thereby caused to other persons; and

(c) that accommodation for him is available in a suitable hospital or institution,

the local authority may order him to be removed thereto and maintained at the cost of the authority, and to be there detained until such medical officer of health is satisfied that he is free from infection or can be discharged without danger to the public health.

[Ch3401s22]22. Penalty on exposure of persons and articles liable to convey infectious disease

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 vehicle without previously notifying the owner, conductor or driver thereof that he is so suffering; or

(b) being in charge of a person so suffering exposes such sufferer; or

(c) gives, lends, sells, transmits or exposes, without previous disinfection, any clothing, bedding or rags which he knows to have been exposed to infection from any such disease, or any other article which he knows to have been so exposed,

shall be liable to a fine of £15 and to imprisonment for three months; and a person who, while suffering from any such disease, enters any public vehicle 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 or driver the amount of any loss and expenses he or they may incur in carrying into effect the provisions of this Act with respect to disinfection of the vehicle:

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.

[Ch3401s23]23. Penalty on failing to provide for disinfection of vehicle

Every owner or driver of a vehicle shall immediately notify a medical officer of health, and provide for the disinfection of such vehicle to the satisfaction of such medical officer of health, 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 fine of £20; but no such driver or owner shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expenses incurred by him in carrying this section into effect.

[Ch3401s24]24. Penalty for letting infected house

Any person who knowingly lets for hire any dwelling or premises or part thereof in which, within the previous six weeks, 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 the medical officer of health as testified by a certificate signed by him shall be liable to a fine of £50.

This section shall apply to any owner or keeper of a lodginghouse.

[Ch3401s25]25. Duty of person letting house lately infected to give true information

Any person letting for hire or showing for the purpose of letting for hire any building or part thereof who on being questioned by any person negotiating for the hire of such building or part 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 of £50.

[Ch3401s26]26. Notification of deaths and removal of bodies 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 building in which the death has occurred immediately to notify the local authority of the death and on receipt of such notification the local authority shall at once transmit the information received to the nearest medical officer of health and 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) It shall be an offence against this Act for the occupier of any premises to keep any dead body in any room in which food is kept or prepared or eaten, or to keep any dead body for more than twenty-four hours in any room in which any person lives, sleeps or works or to keep the body of any person who is known to have died of an infectious disease in any place other than a mortuary or other place set apart for the keeping of dead bodies, without first obtaining the sanction of the local authority or a medical officer of health.

(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.

[Ch3401s27]27. Removal and burial of bodies of persons who have died of an infectious disease

A medical officer of health, a health officer, a health inspector, a local authority or any administrative or police officer on a certificate from a medical practitioner that a person has died from an infectious disease, is empowered to direct that the dead body of a person who has so died be removed to a mortuary or other suitable place whenever such body—

(a) is retained in contravention of the preceding section in a room in which any person lives, sleeps, or works, or in which food is kept or prepared or eaten; or

(b) is retained in any premises in circumstances which, in the opinion of a medical officer of health, are likely to cause nuisance or endanger health.

Any person who obstructs the execution of any order or direction given under this section shall be guilty of an offence.

[Ch3401s28]28. Local authority to remove and bury unclaimed bodies

A local authority shall be responsible for the removal and burial of bodies of destitute persons and of unclaimed bodies within its own district.

[Ch3401s29]29. Rules

The Minister may make Rules applicable to all infectious diseases or only to such infectious diseases as may be specified therein, regarding the following matters—

(a) the closing of any school or any place of public entertainment, where deemed necessary for the purpose of preventing the spread of any infectious disease, and the regulation and restriction of school attendance;

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

(c) the establishment, maintenance, management, and inspection of isolation hospitals, convalescent homes or other institutions for the accommodation or treatment of

persons suffering from or who have recently suffered from any infectious disease, the removal of persons to such institutions and their discharge therefrom and the classification and control of the patients and staff of such institutions;

(d) the imposition and enforcement of quarantine or of medical observation or surveillance in respect of persons suffering or suspected to be suffering from an 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 visting such premises or who may otherwise have been exposed to the infection of any such disease;

(e) the duties in respect of the prevention of infectious diseases therefrom, of owners of land on which other persons reside and of employers of labour and of Chiefs or headmen and others;

(f) the measures to be taken for the prevention of the spread of any infectious disease requiring to be dealt with in a special manner;

(g) the conveyance by rail or otherwise of persons suffering from, or bodies of persons who have died of, an infectious disease;

(h) 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;

(i) the prevention of the spread of disease by flies or other insects and the destruction and the removal of or the abatement of conditions permitting or favouring the prevalence or multiplication of such insects;

(j) the destruction of rodents and other vermin and the removal or abatement of conditions permitting or favouring the harbourage or multiplication thereof;

(k) the prevention of the spread of ancylostomiasis, schistosomiasis or other disease in man caused by an animal or vegetable parasite;

(l) the prevention of the spread of any infectious disease by the carrying on of any business, trade or occupation;

(m) the prevention of the spread of any infectious disease by carriers, and the keeping under medical surveillance and the restriction of the movements of such carriers;

(n) the prohibition of spitting in public places or in public vehicles, except into receptacles provided for the purpose;

(o) 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;

(p) the establishment, maintenance and management of cleansing stations and the cleansing of dirty or verminous persons, the disinfection or fumigation of buildings, 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 the prohibition of the carrying out of any fumigation which involves the use of poisonous gas except under licence;

(q) the disposal of any refuse, waste matters or other matter or thing which has been contaminated with or exposed to the infection of any infectious disease;

(r) the giving compulsorily of any information or the production compulsorily of any documentary or other evidence required for the purpose of tracing the source or preventing the spread of any infectious disease, and generally for better carrying out the provisions and attaining the objects and purposes of this Part.

PART V
SPECIAL PROVISIONS REGARDING CERTAIN FORMIDABLE EPIDEMIC OR ENDEMIC DISEASES

[Ch3401s30]30. Formidable epidemic or endemic diseases

This Part shall apply to smallpox, plague, cholera, yellow fever, cerebro-spinal meningitis, typhus, sleeping sickness or human trypanosomiasis and any other disease which the Minister may by notice declare to be a formidable epidemic or endemic disease for the purpose of this Part.

[Ch3401s31]31. Power to make Rules for prevention of disease

Whenever any part of Malai appears to be threatened by any disease described in the last preceding section, the Minister may declare such part an infected area and may make Rules 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 entering or leaving any infected area without undergoing all or any of the following—

medical examination, disinfection, inoculation, vaccination or passing a specified period in an observation camp or station;

(e) for the formation and regulation of hospitals and observation camps or stations, and for the placing therein and reception of 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 between vessels and 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 destruction of mosquitoes, the means and precautions to be taken in respect of aircraft arriving at or departing from Malai and for preventing mosquitoes from

passing from aircraft to land or from land to aircraft, and the better prevention of the danger of spreading infection by mosquitoes;

(k) for the removal and disinfection of articles which have been exposed to infection;

(l) for prohibiting any person from living in any building or using any building for any purpose whatsoever if in the opinion of a medical officer of health any such use is liable to cause the spread of any infectious disease; any Rules made under this section may give a medical officer of health power to prescribe the conditions on which such a building may be used;

(m) for the compulsory medical examination of persons suffering or suspected to be suffering from infectious disease;

(n) for the registration of residents in an infected area;

(o) for the registration of vehicles in an infected area;

(p) for the compulsory confiscation and disposal of canoes and fishing gear used by any person in breach of any rule relating to the disease known as sleeping sickness;

(q) for the control of wood cutting in an infected area;

(r) for the restriction of residence in, immigration to or emigration from, an infected area;

(s) for the control of fishing and hunting in an infected area;

(t) 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 disease,

and may by order declare all or any of the Rules so made to be in force within the whole or any part or parts of the infected area.

[Ch3401s32]32. Localauthority to see to the execution of Rules

The local authority of any area within which or part of which Rules made under this Part 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 Rules, or for executing the same, as the case may require. A 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 Rules.

[Ch3401s33]33. Power of localauthority or medical officer of health to enforce Rules

Any local authority or medical officer of health or any person duly authorized by any local authority or medical officer of health shall have power of entry on any premises or vehicle, for the purpose of executing or superintending the execution of any Rules so made by the Minister as aforesaid.

[Ch3401s34]34. Notification of sickness or mortality in animals suspected of plague

(1) Any 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 a medical officer of health, where practicable, and where impracticable, to a local authority.

(2) Any such person who fails so to report shall be guilty of an offence.

[Ch3401s35]35. Local authorities to report notification of formidable epidemic disease by telegraph

Every local authority shall immediately report to the Secretary for Health or the nearest medical officer of health by telegraph, or other expeditious means, particulars of every notification received by such authority of a case or suspected case of any formidable epidemic or endemic disease, or of any unusual sickness or mortality in animals made under the last preceding section.

[Ch3401s36]36. Secretary for Health may requisition buildings

(1) Where there exists or is threatened an outbreak of any disease to which this Part applies it shall be lawful for the Secretary for Health to require any person owning or having charge of any land or any premises, or any person owning or having charge of tents, transport, bedding, hospital equipment, drugs, food or other appliances, materials or articles urgently required in connexion with the outbreak, to hand over the use of any such land or premises 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.

[Ch3401s37]37. Penalties for offences against this Part

Any person guilty of an offence against this Part shall be liable to a fine of £100 and to imprisonment for twelve months.

PART VI

PREVENTION OF INTRODUCTION OF INFECTIOUS DISEASES

[Ch3401s38]38. Power to enforce precautions at borders of Malawi

(1) For the purpose of preventing the introduction of infectious disease into Malawi the Minister may by order—

(a) regulate, restrict or prohibit the entry into Malawi or any part thereof of any person or of persons of any specified class or description or from any specified country, locality or area;

(b) regulate, restrict or prohibit the introduction into Malawi 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, or the examination, detention, or disinfection or otherwise of such persons as aforesaid or of articles and things introduced into Malawi or any part thereof.

(2) Any person who contravenes or fails to comply with any such order shall be liable to a fine of £50 and to imprisonment for six months.

[Ch3401s39]39. Removal of infected persons from railway trains

(1) Where any person arriving in Malawi by railway train or other vehicle is found to be suffering from any infectious disease, and in the opinion of a medical officer of health cannot be accommodated or cannot be nursed or 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 the 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 as a debt due to the Government. 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 Consolidated Fund.

[Ch3401s40]40. Isolation or surveillance of persons exposed to infection

(1) Where any person arriving by railway train or other vehicle within Malawi is believed to have been recently exposed to the infection, or to be in the incubation stage of, any notifiable disease, a 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 local authority of the district of such person's destination, of the fact that such person is believed to have been recently exposed to infection and has been allowed to proceed to his destination.

[Ch3401s41]41. Powers of medical officers of health to inspect railway trains and medically examine passengers

(1) Any medical officer of health may at any time board any railway train or other vehicle arriving within Malawi, and may inspect any portion thereof or anything therein, and may medically examine any person travelling by such train or vehicle 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 vehicle 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.

PART VII
SMALLPOX

[Ch3401s42]42. Definition of "protected person" "public vaccinator" "unprotected person" and "vaccination" in this Part

For the purposes of this Part—

"protected person" means a person or child who is protected;

"public vaccinator" means a public vaccinator appointed by the Secretary for Health and any person appointed by the Secretary for Health to assist or act for a public vaccinator and includes any registered or licensed medical practitioner;

"unprotected person" includes a child and means a person who has not been protected from smallpox either by having had the disease, or by having been successfully vaccinated not less than fourteen days nor more than three years previously; and

"vaccination" means the introduction into the skin of smallpox vaccine virus contained in a pure and tested vaccine lymph.

[Ch3401s43]43. Vaccination of children

The parent or guardian of every child born in Malawi shall, after six months and within twelve months from birth, unless such child is unfit or has suffered from smallpox, cause such child to be successfully vaccinated by a public vaccinator.

[Ch3401s44]44. Vaccination of persons in declared areas or entering Malawi

(1) The Minister may by notice published in the Gazette declare any area to be a compulsory vaccination area and shall in such notice specify a period within which the vaccination of all unprotected persons dwelling in such area shall take place.

(2) Every unprotected adult and the parent or guardian of every unprotected child in any area declared to be a compulsory vaccination area shall cause himself and such child to be vaccinated within the period specified.

(3) Every unprotected adult and the parent or guardian of every unprotected child entering Malawi shall cause himself and such child to be vaccinated within one month:

Provided that—

(a) this section shall not require the vaccination of any adult or child who, in the opinion of a public vaccinator, is not in a fit state to be vaccinated;

(b) this section shall not apply to any person who can prove that reasonable facilities for vaccination were not available.

[Ch3401s45]45. If adult or child unfit for vaccination certificate to be given

If any public vaccinator 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 that the adult or child is then in a state unfit for vaccination.

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 shall deem the adult or child to be fit for vaccination, when the adult or child shall with all reasonable despatch be vaccinated.

[Ch3401s46]46. Certificates to be given for successful vaccination

Every public vaccinator 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 the parent or guardian of such child a certificate certifying that the said adult or child has been successfully vaccinated.

[Ch3401s47]47. No fee to be charged for a certificate or for vaccination by public vaccinator

No fee or remuneration shall be charged to the person vaccinated by any public vaccinator for any certificate granted under this Act, nor for any vaccination done by him in pursuance of this Act.

[Ch3401s48]48. Vaccination of inmates of institutions

Every superintendent or person in charge of a leprosy settlement, mental hospital, chronic sick hospital, gaol, prison, reformatory, or other similar institution, shall where practicable, 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, fails to prove satisfactorily that he has 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.

[Ch3401s49]49. School attendance

(1) Subject to section 45, no child shall be admitted to or attend any school until there has been produced to the school manager or other person in charge thereof a certificate or other satisfactory evidence that the child is a protected person and any school manager or other person who admits or permits such child to be admitted shall be guilty of an offence.

(2) For the purpose of ascertaining whether subsection (1) is being observed, every public vaccinator shall, whenever instructed by the Secretary for Health, visit any school and make therein such inspection of the children attending thereat as will enable him to furnish such particulars as the Secretary for Health may require as to the children who are unprotected.

[Ch3401s50]50. Supply of vaccine lymph and inoculation from arm to arm, etc., forbidden

Any person who inoculates himself or any other person against smallpox with material taken from a person suffering from smallpox or from a vaccine vesicle on another person shall be guilty of an offence.

[Ch3401s51]51. Power to order vaccination of all persons at any time

(1) The Minister may, at any time when he considers it necessary as a result of an outbreak, or to prevent the outbreak of smallpox in any area, direct that all persons or any class of persons within Malawi, or within any place, area, municipality, town, village or community therein, or all persons entering Malawi shall, unless they can give satisfactory evidence that they have, within such period as the Minister may specify, already been vaccinated, be vaccinated forthwith.

(2) Where the Minister has issued directions under subsection (1) the local authority having jurisdiction in any place, area, municipality, town or village or in respect of any community specified in such directions shall require all persons therein to attend, or all parents or guardians of children to cause such children to attend at centres or vaccination posts according to instructions issued there to undergo inspection by a public vaccinator and if found to be unprotected, and subject to section 45, to undergo vaccination. 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. Any person, parent or guardian failing to comply with such instructions shall be guilty of an offence.

(3) The Minister may make rules for the purpose of regulating or enforcing vaccination under this section and such rules may confer powers on public vaccinators in respect of persons passing vaccination centres or posts, who require vaccination.

[Ch3401s52]52. Power to make Rules

The Minister may make Rules—

(a) prescribing forms of certificates, notices, returns and books of record to be used in connexion 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 deaths, 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 connexion with the carrying out of enforcement of vaccination, on magistrates, administrative officers, members of the police force, or other Government officers, local authorities, persons in charge of schools, employers of labour, Chiefs and village headmen and others;

(c) prescribing and defining the duties in connexion with vaccination of public vaccinators;

(d) prescribing the manner in which vaccination shall be performed and the precautions to be observed by those performing it and by the persons or the parents or the guardians of children vaccinated;

(e) providing for the vaccination of persons and assigning where deemed desirable the responsibility for the carrying out of such vaccination to local authorities or employers of labour; and

(f) generally for the better carrying out of this Part and attaining the objects and purposes thereof.

PART VIII
VENEREAL DISEASES

[Ch3401s53]53. Venereal diseases

The provisions of this Act, unless otherwise expressed, in so far as they concern venereal diseases, shall be deemed to apply to primary or secondary syphilis, acute and chronic gonorrhoea, gonorrhoeal ophthalmia, soft chancre, lymphogranuloma inguinale, ulcerating granuloma and any other disease that may be declared by the Minister by notice published in the Gazette to be a venereal disease.

[Ch3401s54]54. Employment of infected persons

(1) Any person who, while suffering from any venereal disease in a communicable form, accepts or continues in employment either as an employee or on his own account in or about any factory, shop, hotel, restaurant, dwelling-house, or any place in any capacity entailing the care of children or the handling of food intended for consumption or of food utensils for 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.

(2) Every person shall be guilty of an offence who employs or continues to employ any person suffering from any venereal disease in a communicable form, if by reason of such employment such person is required or is permitted to have the care of children or to handle any food intended for consumption or food or household utensils, 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.

(3) If an employee who is employed in any manner set out in the preceding subsections is shown by a certificate signed by a registered or licensed medical practitioner to be suffering from a venereal disease, or if any employer has reasonable cause to suspect that such employee is suffering from a venereal disease and the said employee refuses to submit himself to medical examination, it shall be lawful for the employer summarily to dismiss the employee with payment of wages up to the date of dismissal.

[Ch3401s55]55. Publication of advertisements of cures

(1) No person shall publish, exhibit or circulate 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) No person shall hold out or recommend to the public by any notice or advertisement, or by any written or printed papersor handbills, or any label or words written or printed, affixed to or delivered with, any packet, box, bottle, phial or other enclosure containing the same, any pills, capsules, powders, lozenges, tinctures, potions, cordials, electuaries, plasters, unguents, salves, ointments, drops, lotions, oil, spirits, medicated herbs and waters or chemical and official preparations whatsoever, to be used or applied externally or internally as medicines or medicaments for the prevention, cure, or relief of any venereal disease or disease affecting the generative organs or functions, or sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse.

(3) This section shall not apply to publications by or under the authority of the Secretary for Health, 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 Government first obtained, or to any books, documents or papers published in good faith for the advancement of medical science.

[Ch3401s56]56. Prevention of the treatment of venereal disease otherwise than by registered or licensed persons

No person, unless he is a registered or licensed medical practitioner, or a State registered nurse, or other person certified by the Secretary for Health to be competent to diagnose and treat venereal disease, shall for reward treat any person for venereal disease or suspected venereal disease or prescribe any remedy therefor, or give any advice in connexion with the treatment thereof, whether the advice is given to the person to be treated or to any other person.

[Ch3401s57]57. Conveyance of infection an offence

No person shall wilfully or by culpable negligence infect any other person with venereal disease or do or permit or suffer any act likely to lead to the infection of any other person with such disease.

[Ch3401s58]58. Offences and penalties

(1) Any person who contravenes or fails to comply with any of the provisions of this Part shall be liable to a fine of £150 and to imprisonment for two years.

(2) When a person is convicted of an offence against this Part, the court may order any advertisement or written matter specified in section 55, or drugs, poisons, medicines, needles, syringes or surgical, medical or diagnostic instruments or appliances, published or used by, belonging to, or in the possession of the person convicted, to be forfeited, and to be destroyed or otherwise disposed of.

PART IX

SANITATION AND HOUSING

[Ch3401s59]59. 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.

[Ch3401s60]60. 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 area 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.

[Ch3401s61]61. Duty of local authorities to prevent o rremedy 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 area against any person causing or responsible for the continuance of any such conditions:

Provided that no action shall be taken by any local authority in pursuance of this Part in respect of any factory if such action is calculated to interfere with the construction of any building or with the condition or manner of use of any machinery without the consent of the Chief Inspector of Factories.

[Ch3401s62]62. What constitutes a nuisance

The following shall be deemed to be nuisances liable to be dealt with in the manner provided in this Part—

(1) any vehicle in such a state or condition as to be injurious or dangerous to health;

(2) any dwelling or premises or part thereof which is or are of such construction or in such state or so situated or so dirty or so verminous or so damp as to be likely to be injurious or dangerous to health or which is or are liable to favour the spread of any infectious disease;

(3) any street, road or any part thereof, stream, pool, ditch, gutter, watercourse, sink, water tank, cistern, latrine, cesspool, soak-away pit, septic tank, cesspit, soil-pipe, waste-pipe, drain, sewer, garbage receptacle, dust bin, dung pit, refuse pit, slop tank or manure heap so foul or in such a state or so situated or constructed as to be offensive or to be likely to be injurious or dangerous to health;

(4) 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 human beings for drinking or domestic purposes or in connexion with any dairy, or in connexion with the manufacture or preparation of any article of food intended for human consumption, which is in a condition liable to render any such water injurious or dangerous to health;

(5) 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 gully, swamp, or watercourse or irrigation channel not approved for the reception of such discharge;

(6) any collection of water, sewage, rubbish, refuse, ordure, or other fluid or solid substances which are offensive or which are dangerous or injurious to health or which permit or facilitate 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;

(7) any collection of water found to contain any of the immature stages of the mosquito;

(8) any cesspit, latrine, urinal, dung pit, or refuse pit found to contain any of the immature stages of the mosquito;

(9) 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;

(10) any animal or bird so kept as to be offensive or injurious to health;

(11) any accumulation of stones, timber, or other material of any nature whatever if such is likely, in the opinion of a medical officer of health, to harbour rats and other vermin, and any premises in such a state or condition and any building so constructed as to be likely to harbour rats;

(12) any dwelling or premises so overcrowded as to be injurious or dangerous to the health of the inmates, or dilapidated or defective in lighting or ventilation, or not provided with or so situated that such dwelling or premises cannot be provided with sanitary accommodation to the satisfaction of a medical officer of health;

(13) any public or other building which is so situated, constructed, used or kept as to be unsafe or injurious or dangerous to health;

(14) any occupied dwelling for which a proper, sufficient and wholesome water supply is not available within a reasonable distance;

(15) any factory or trade premises not kept in a cleanly state and free from offensive smell arising from any drain or latrine, 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;

(16) any factory or trade premises causing or giving rise to smells or effluvia which are injurious or dangerous to health;

(17) 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;

(18) any machinery sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health;

(19) any cemetery, burial place, crematorium or other place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;

(20) any gutter, drain, shoot, stack pipe, down spout, water tank or cistern which by reason of its insufficiency or its defective condition shall cause damp in any dwelling;

(21) any deposit of material in or on any building or lane which shall cause damp in any building so as to be dangerous or injurious to health;

(22) any dwelling, public building, trade premises, workshop or factory not provided with sufficient and sanitary latrines;

(23) any act, omission, or thing which is or may be offensive, dangerous to life or injurious to health.

[Ch3401s63]63. Author of nuisance

The author of a nuisance means the person by whose act, default or sufferance the nuisance is caused, exists or is continued, whether he be the owner or occupier or both owner and occupier or any other person.

[Ch3401s64]64. Notice to abate nuisance

A local authority or a medical officer of health, if satisfied of the existence of a nuisance, may 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 abate it within the time specified in the notice, and if the local authority or medical officer of health thinks it desirable (but not otherwise) any work to be executed to abate or prevent a recurrence of the said nuisance may be also specified in the notice:

Provided that—

(a) where the nuisance arises from any want or defect of a structural character, or where the dwelling or premises are unoccupied, the notice shall be served on the owner;

(b) where the author of the nuisance cannot be found or 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 abate the nuisance and may do what is necessary to prevent the recurrence thereof.

[Ch3401s65]65. Procedure in case owner fails to comply with notice

(1) If the person on whom a notice to abate a nuisance has been served as aforesaid fails to comply with any of the requirements thereof within the time specified, or if the nuisance

although abated since the service of the notice is, in the opinion of the local authority, likely to recur on the same premises, the local authority may cause a complaint relating to such nuisance to be made before a Resident Magistrate's court or a subordinate court of the first or second grade and such court may thereupon issue a summons requiring the person on whom the notice was served to appear before it.

(2) If the court is satisfied that the alleged nuisance exists, or that although abated it 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 comply with all or any of the requirements of the notice or otherwise to abate the nuisance within a time specified in the order and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence, or an order both requiring abatement and prohibiting the recurrence of the nuisance.

(3) The court may by such order impose a fine of £20 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 abatement of the nuisance.

(4) 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.

(5) 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 such dwelling has again 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.

Notwithstanding any such last-mentioned order, further proceedings may be taken in accordance with this section in respect of the same dwelling in the event of any nuisance occurring or of the dwelling being again found to be unfit for human habitation.

[Ch3401s66]66. Penalties in relation to nuisance

(1) Any person who fails to obey an order by a court to comply with the requirements of a local authority or medical officer of health or otherwise to abate the nuisance, shall, unless he satisfies the court that he has used all diligence to carry out such order, be liable to a fine of £5 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 of £5 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 abate the nuisance or do whatever may be necessary in the execution of such order and recover in a Resident Magistrate's court or a subordinate court of the first or second grade the expenses incurred from the person on whom the order is made.

[Ch3401s67]67. 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.

[Ch3401s68]68. Provision in case of two orders for overcrowding relating to same premises

Where the court has twice within a period of three months issued an order as specified in section 65 (2) relating to overcrowding of the same premises or part of the same premises the court may, on the application of a local authority, order such premises to be closed for such period as the court may deem necessary.

[Ch3401s69]69. Power of sale

Any matter or thing removed by a local authority in abating any nuisance under this Part may be sold by public auction, and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by them in reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing if he shall establish his claim thereto within two years from the date of such sale, failing which such surplus shall be paid into the Consolidated Fund.

[Ch3401s70]70. Persons jointly responsible fornuisances may be proceeded against

(1) Where any nuisance liable to be dealt with in the manner provided in this Part appears to be wholly or partly caused by the acts or defaults of two or more persons, a local authority may institute proceedings against any one of such person or may include all or any two or more of them in one proceeding, and any one or more of such persons may be ordered to abate the nuisance, so far as it appears to be caused by his or their acts or defaults or may be prohibited from continuing any acts or defaults which contribute to the nuisance, or may be fined or otherwise dealt with notwithstanding that the acts or default of any one of such persons would not separately have caused a nuisance, and the costs may be distributed as may appear to the court fair and reasonable.

(2) Proceedings under the preceding subsection against several persons included in one complaint shall not abate by reason of the death of any of the persons so included, but all such proceedings may be carried on as if such deceased person had not been originally so included.

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

[Ch3401s71]71. Demolition of unfit buildings

34 of 1969 (1) Where in the opinion of the Minister a nuisance exists with respect to premises which in his opinion are so dilapidated or so defectively constructed or so situated that repairs to or alterations of such premises are not likely to remove the nuisance the Minister may issue a demolition order ordering the owner of the premises to commence to demolish them 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 premises from the site before another specified day:

Provided that at least one month before issuing such a demolition order notice of the intention to issue such an order shall be served on the owner of the premises who may make representations in respect thereof to the Minister. The Minister shall consider any representations so made before issuing a demolition order under this section.

(2) The Minister shall give notice to the occupier of the premises in respect of which a demolition order has been issued requiring him to vacate the premises within a time to be specified in such notice, and if any person fails to comply with the notice or enters the premises, without lawful excuse, after the date specified in the notice, he shall be guilty of an offence.

(3) If any person fails to comply with an order for demolition issued under this section he shall be guilty of an offence and be liable to pay the daily fine provided in section 66 (1), and the Minister may cause the premises to be demolished and may recover from the owner the expenses incurred in doing so after deducting the net proceeds of the sale of the materials which the Minister may sell by auction.

(4) No compensation shall be paid to the owner or occupier of any premises in respect of the demolition thereof as aforesaid.

(5) For the purposes of this section the Minister means the Minister for the time being responsible for land.

[Ch3401s72]72. Prohibitions in respect of back-to-back dwellings and rooms without through ventilation

(1) The Minister may, by notice published in the Gazette, prohibit within any area defined in such notice—

(a) the erection of any premises intended to be used as a dwelling constructed on the back-to-back system; or

(b) the erection of any room intended to be used as a sleeping or living or work room which is not provided with an external window or windows having a total area not less than one-tenth of the floor area, at least half of such window or windows being capable of being opened:

Provided that—

(i) any such room which is without a fireplace and flue shall in addition be provided with a fresh air inlet having an unobstructed sectional area of at least thirty square inches;

(ii) such windows or inlets shall be so placed as to secure through or cross ventilation; or

(c) the erection of any premises intended to be used as a dwelling on made ground containing street sweepings, refuse, rubbish or other matter liable to decomposition unless the approval of the local authority has been obtained and such measures for safeguarding health have been taken as such local authority may require.

(2) Any person who contravenes any provision of this section shall be liable to a fine of £50 and to a further fine of £2 for every day during which such contravention continues after the date fixed in any written notice in respect thereof from the local authority.

[Ch3401s73]73. Cost of execution of provisions relating to nuisances

(1) All reasonable costs and expenses incurred in serving a notice, making a complaint or obtaining a nuisance order, or in carrying the order into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or, if no order is made but the nuisance is proved to have existed when the notice was served or the complaint made, then of the author of the nuisance.

(2) Such costs and expenses incurred in relation to any such nuisance may be recovered as a civil debt, and the court shall have power to divide such costs and expenses between the authors as to it may seem just.

(3) Where, in accordance with this Act, a local authority has itself abated a nuisance, or done what is necessary to prevent a recurrence thereof, if no owner or occupier of the premises can be found, or appears or pays the expenses thereby incurred within six months after the completion of the abatement of such nuisance, the court may order the premises upon which the work shall have been done, or any part thereof, or any movable property found thereon, to be sold by public auction, and the amount realized by such sale shall be applied in defraying such costs and expenses, and the balance (if any) paid over to the owner or occupier if he shall establish his claim thereto within two years after the date of such sale failing which such balance shall be paid into the Consolidated Fund.

[Ch3401s74]74. Examination of premises

A local authority or a health officer may, at all reasonable times, enter any premises for the purpose of ascertaining the existence of any nuisance therein; and the local authority 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 their own expense.

[Ch3401s75]75. Power to make Rules

The Minister may make Rules, and may confer powers and impose duties in connexion 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 white-washing or other treatment of premises 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 offensive trades, 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 lay-out 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 neighbourhood;

(i) the inspection of the district of any local authority by that local authority with a view to ascertain 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;

(j) the control of houses let in lodgings, the fixing of the maximum number of lodgers, the minimum floor space allotted to each lodger, the adequate ventilation and lighting and periodical cleansing and lime washing at stated intervals of the premises, the provision of adequate sanitary appliances and other requirements having for their object the protection of the health of the lodgers or surrounding inhabitants;

(k) the sanitary control of markets and market buildings.

[Ch3401s76]76. Rules as to buildings

(1) The power under section 75 to make Rules relating to the construction of buildings shall include the power to regulate all or any of the following matters—

(a) as regards building—

(i) the materials to be used in the construction of buildings;

(ii) the space about buildings and the dimensions of rooms intended for human habitation;

(iii) the height of buildings; the height of chimneys, not being separate buildings, above the roof of the building of which they form part;

(b) as regards works and fittings—

(i) sanitary conveniences in connexion with buildings, the drainage of buildings, including the means for conveying soil, waste, storm and subsoil water from buildings and their curtilages and cesspools and other means for the reception or disposal of foul matter in connexion with buildings;

(ii) refuse pits in connexion with buildings;

(iii) wells, tanks and cisterns for the supply of water for human consumption in connexion with buildings;

(iv) stoves and other fittings in buildings (not being electric stoves or fittings), in so far as rules with respect to such matters are required for the purpose of health and the prevention of fire;

(v) private and public sewers and communications between drains and sewers and between sewers.

(2) Any Rules to which this section relates may include provisions as to—

(a) the giving of notices and the deposit of plans, sections, specifications and written particulars;

(b) the inspection of work, the protection and testing of drains and private sewers, and the taking by the local authority of samples of materials to be used in the construction of buildings, or in the execution of other works;

(c) the protection of public sewers; and

(d) the examination and licensing of plumbers and drain layers.

[Ch3401s77]77. Power to require removal or alteration of work not in conformity with Rules

(1) If any work to which any Rules referred to in section 76 are applicable contravenes any of those Rules, the local authority, without prejudice to its right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or, if he so elects, to effect such alterations therein as may be necessary to make it comply with the Rules.

(2) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiration of twenty-eight days, or such longer period as the authority may allow, the authority may pull down or remove the work in question, or effect such alterations therein as it deems necessary, and may recover from him the expenses reasonably incurred by it in so doing.

(3) No such notice as is mentioned in subsection (1) shall be given after the expiration of twelve months from the date of the completion of the work in question, and, in any case where plans were deposited, it shall not be open to the authority to give such a notice on the ground that the work contravenes any building rule, if either the plans were passed by the authority, or notice of their rejection was not given within the prescribed period from the deposit thereof, and if the work has been executed in accordance with the plans and of any requirement made by the authority as a condition of passing the plans.

PART X

CONSERVANCY, SEWERAGE AND DRAINAGE

[Ch3401s78]78. Interpretation of Part X

(1) In this Part unless the context otherwise requires the following terms shall have the following meanings—

"cesspool" means a tank or receptacle for the reception of sewage and foul matter for which no automatic outlet is provided;

"earth-closet" means a closet for the reception of faecal matter into a movable receptacle in which it is deodorized by the use of earth, ashes, chemicals or by some other method;

"lateral drain" means that portion of a system of drains or private sewers, which—

(a) in the case of a sewer for soil and waste water, lies between the intercepting chamber and the public sewer (including the intercepting trap and sewer connexion); or

(b) in the case of a sewer for storm water, lies between the last inspection chamber and the public sewer, or, if there be no inspection chamber, between the curtilage of the premises and the public sewer;

"prejudicial to health" means injurious or likely to cause injury to health;

"private sewer" means a sewer which is not a public sewer;

"privy" means a closet for the reception of faecal matter into a non-movable receptacle and includes a pit latrine or a bored-hole latrine;

"public sewer" means any sewer vested in or constructed by or on behalf of or under the control of a local authority;

"septic tank" means a tank or receptacle for the reception of sewage or foul matter for the effluent from which an automatic outlet is provided;

"sewer" does not include a drain as defined in section 3 but, save as aforesaid, includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings and their curtilages;

"soil water" means any discharge from water-closets or urinals and all water containing excremental liquid or substance;

"storm water" includes surface or rain water;

"waste water" means liquid waste of a non-excremental nature but does not include storm water;

"water-closet" means latrine accommodation used, adapted or intended to be used in connexion with a water carriage system and comprising provision for the flushing of the receptacle by means of water;

"workplace" does not include a factory or workshop but save as aforesaid includes any place in which persons are employed otherwise than in domestic service.

(2) Any reference in this Part to a drain or sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that drain or sewer.

(3) For the purpose of this Part, a building or proposed building shall not be deemed to have a public sewer available unless—

(a) there is or there is in course of construction within one hundred feet of the curtilages of the building or proposed building, and at a level which makes it reasonably practicable to construct a drain to communicate therewith, a public sewer or other sewer which the owner of the building or proposed building is, or will be, entitled to use; and

(b) the intervening land is land through which he is entitled to construct a drain, and shall not be deemed to have a sufficient water supply available unless it has a sufficient supply of water laid on or unless such a supply can be laid on to it from a point within one hundred feet of the curtilage of the building or proposed building, and the intervening land is land through which the owner of the building or proposed building is, or will be, entitled to lay a communication pipe:

Provided that, for the purposes of this definition, the limit of one hundred feet shall not apply, if the local authority undertakes to bear so much of the expenses reasonably incurred in constructing a drain to communicate with a public sewer or, as the case may be, in laying a pipe for the purpose of obtaining a supply of water, as may be attributable to the fact that the distance of the public sewer, or of the point from which a supply of water can be laid on, exceeds one hundred feet as aforesaid.

Public Sewers

[Ch3401s79]79. Provision of public sewers and sewerage disposal work

(1) A local authority may within its district and also, subject to the prior approval of the Minister without its district—

(a) construct and maintain a public sewer—

(i) in, under or over any street, or under any cellar or vault below any street; and

(ii) in, or over any land not forming part of a street, after giving reasonable notice to every owner and occupier of that land;

(b) construct sewage disposal works on any customary land or public land or land acquired, or lawfully appropriated for the purpose.

(2) In the exercise of its powers under subsection 1 (a) (ii), the local authority shall not be liable to pay any compensation to an owner or occupier of any private lands but shall make good, or, at its option, shall pay for any damage done or occasioned by reason of the exercise of the said powers.

[Ch3401s80]80. Duty of local authority to keep map showing public sewers

(1) Every local authority shall keep deposited at its offices, for inspection by any person at all reasonable hours, free of charge, a map showing and distinguishing all public sewers existing or in course of construction within its district or under its control.

(2) Where some of the public sewers are reserved for soil and waste water only or for storm water only, the map referred to in this section shall show also the purposes which each sewer is intended to serve.

[Ch3401s81]81. Power of local authority to alter or close public sewers

A local authority may alter the size or course of any public sewer vested in it, or may discontinue and prohibit the use of any such public sewer, either entirely, or for the purpose of soil and waste water drainage, or for the purpose of storm water drainage, but, before any person who is lawfully using the public sewer for any purpose is deprived by the authority of the use of the sewer for that purpose, the authority shall provide a public sewer equally effective for his use for that purpose and shall at its expense make his drains or sewers to communicate with the sewer so provided.

[Ch3401s82]82. Certain matters not to be passed into sewers or drains

(1) No person shall throw, empty or turn, or suffer or permit to be thrown or emptied or to pass, into any public sewer, or into any drain or private sewer communicating with a public sewer—

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

(b) any chemical refuse or waste steam, or any liquid of a temperature higher than one hundred and ten degrees Fahrenheit, being refuse or steam, which, or a liquid which when so heated, is, either alone or in combination with the contents of the sewer or drain, dangerous or the cause of a nuisance, or prejudicial to health; or

(c) any petroleum spirit, or carbide of calcium.

(2) A person who contravenes any of the provisions of this section shall be liable to a fine of £10 and to a further fine of £5 for each day on which the offence continues after conviction therefor.

Right to Connect with Public Sewers

[Ch3401s83]83. Right of owners and occupiers within district of local authority to drain into public sewers

Subject to this section and section 86, the owner or occupier of any premises, or the owner of any private sewer, within the district of a local authority shall be entitled to have his drains or private sewer made to communicate with any available public sewer of that authority, and thereby to discharge soil and waste water and storm water from those premises or that private sewer:

Provided that nothing in this section shall entitle any person—

(a) to discharge directly or indirectly into any public sewer—

(i) any liquid from a manufacturing process or any liquid from a factory, other than domestic sewage or storm water except by agreement with the local authority;

(ii) any liquid or other matter the discharge of which into public sewers is prohibited under this Act or any other law; or

(b) where separate public sewers are provided for soil and waste water and for storm water, to discharge directly or indirectly—

(i) soil or waste water into a sewer provided for storm water; or

(ii) except with the approval of the authority, storm water into a sewer provided for soil and waste water; or

(c) to have his drains or private sewer made to communicate directly with a storm water overflow; or

(d) to have his drains or private sewer made to communicate with a public sewer provided for soil and waste water unless and until he satisfies the authority that the premises to be drained have a sufficient water supply available; or

(e) to have his drains or private sewer made to communicate with any public sewer if such sewer is situated in excess of one hundred feet of the curtilage of the premises.

[Ch3401s84]84. Use of public sewers by owners and occupiers without the district of local authority

Subject as hereinafter provided, the owner or occupier of any premises and the owner of any private sewer without the district of a local authority shall have the like rights with respect to drainage into the available public sewers of the authority as he would have had under section 82 if his premises or private sewer were situate within its district and that section shall apply accordingly:

Provided that, without prejudice to the prohibition contained in section 83 against the discharge of certain liquids or other matters into public sewers or into some public sewers or the right of a local authority under section 86 to refuse to permit a communication to be made on any of the grounds set out in subsection (1) of that section and to require the drain or private sewer to be laid open for inspection, the authority may, in the case of a drain or private sewer from premises outside its district, refuse to permit a communication to be made except upon such reasonable terms and conditions as may be prescribed or as the Minister may approve. Such terms and conditions may include—

(a) compliance with any reasonable requirements of the authority that the premises to be drained shall be sanitary or in a proper state of repair;and

(b) such reasonable payment or periodical payment as subject to any special or general directions of the Minister, the authority may see fit to impose.

[Ch3401s85]85. Sewer connexions in streets and through private land

For the purpose of making or maintaining a communication with a public sewer it shall be lawful for a local authority to construct or repair a lateral drain or, with the prior consent of the local authority and in such manner as it may approve, for the owner of any building to construct or repair a drain or private sewer, as the case may be, in, on or over any land, but where such land does not form part of a street, such authority or owner shall give to every owner or occupier of such land reasonable notice and shall be liable to make good or, at the option of the authority or the owner undertaking the works, to pay for any damage done or occasioned by reason of the exercise of the said power:

Provided that the works intended to be carried out in exercise of the powers herein conferred shall not interfere unduly with the amenities or future development of the land or any

adjacent land and, in case of dispute, a person aggrieved may appeal in the manner set out in section 132 (e) and (f).

[Ch3401s86]86. Procedure in regard to making communication with public sewers

(1) A person who wishes or who is required to have his drains or private sewers made to communicate with a public sewer shall give to the local authority notice of his proposals in writing in such manner as may be prescribed and at any time within twenty-one days of the receipt thereof the authority may by notice to him refuse to make the communication if it appears to the authority that the mode of construction of the drain or private sewer is not in conformity with the rules in force governing the same or that the condition of the drain or private sewer or the matter carried or to be carried thereby is such that the making of the communication would be prejudicial to the sewerage system of the authority and for the purpose of examining the mode of construction and condition of the drain or private sewer the authority may, if necessary, require it to be laid open for inspection.

(2) If no such notice as aforesaid is served on such person, the authority shall, with all reasonable despatch, cause the communication to be made by means of a lateral drain to the public sewer in such manner as may be prescribed or as the authority may decide, but it shall not be obligatory on the authority to make the communication until the estimated cost of the work has been paid to it or security for payment has been given to its satisfaction.

(3) If any payment so made to the authority exceeds the expenses reasonably incurred by it in the execution of the work, the excess shall be repaid by it and, if and so far as those expenses are not covered by the payment made to it, the authority may recover the expenses, or the balance thereof, from the person for whom the work was done.

(4) For the purposes of this section, the making of the communication between a drain or private sewer and a public sewer includes all such work as involves the breaking open of a street and the taking of any steps which the authority may consider necessary for repairing, relaying or safeguarding any pipes, drains, lines or any other works which may be or are liable to be disturbed or damaged by or in the course of making such communication.

(5) Any lateral drain so constructed shall vest in the local authority (but shall not thereby become a public sewer) and the maintenance, repair and renewal of the same from time to time shall be carried out by the authority at the expense of the owner of the premises served by such drain.

(6) Any person (other than a person lawfully acting on behalf of a local authority) who causes a drain or sewer to communicate with a public sewer and any person who fails to comply with or acts in contravention of any of the provisions of this section, shall be liable to a fine of £20, and, whether proceedings have or have not been taken in respect of that offence, the local authority may close any communication made in contravention of any of such provisions, and recover from the offender any expenses reasonably incurred by it in so doing.

Drainage and Latrines or New Buildings

[Ch3401s87]87. New buildings to be provided with any necessary drains, etc.

(1) Where plans of a building or of an extension of a building are, in accordance with any building rules, deposited with a local authority, the authority shall reject the plans unless either the plans show that satisfactory provision will be made for the drainage of the building or of the extension, as the case may be, or the authority is satisfied that in the case of the particular building or extension it may properly dispense with any provision for drainage.

In this section the expression "drainage" includes the conveyance, by means of a drain, of soil and waste water and the conveyance of storm water and subsoil water from the building and its curtilage.

(2) A proposed drain shall not be deemed to be a satisfactory drain for the purposes of this section unless it is proposed to be made, as the authority may require, to connect with an available public sewer, or, if there be no such sewer, to discharge into a cesspool, septic tank or other place which the local authority may approve.

[Ch3401s88]88. Latrine accommodation to be provided for new buildings

Where plans of a building or of an extension of a building are, in accordance with any building rules, deposited with a local authority, the authority shall reject the plans unless either the plans and the prescribed particulars deposited therewith show that the prescribed or sufficient and satisfactory latrine accommodation will be provided, or the authority is satisfied that in the case of a particular building or extension it may properly dispense with the provision of latrine accommodation:

Provided that—

(a) unless a sufficient water supply and public sewer are available, the authority shall not reject the plans on the ground only that the proposed accommodation consists of or includes an earth-closet or earth-closets or a privy or privies of a type approved by the authority; and

(b) if the plans and the deposited particulars show that the proposed building or extension is likely to be used as a factory, workshop, workplace, club, place of entertainment or other place in which persons of both sexes will be employed, or will be in attendance, the authority shall reject the plans, unless either the authority is satisfied that sufficient and satisfactory separate latrine accommodation for persons of each sex will be provided, or that in the circumstances of the particular case it may properly dispense with the provision of such separate accommodation.

Drainage and Latrines of Existing Buildings

[Ch3401s89]89. Provisions as to drainage, etc., of existing buildings

(1) If it appears to a local authority that in the case of any building—

(a) satisfactory provision has not been, and ought to be, made for drainage; or

(b) any cesspool, septic tank, private sewer, drain, soil-pipe, rain-water-pipe, spout, sink or other necessary appliance provided for the building is defective or insufficient; or

(c) any cesspool, septic tank or other such work or appliance as aforesaid provided for the building is in such a condition as to be prejudicial to health or a nuisance; or

(d) any cesspool, septic tank, private sewer or drain formerly used for the drainage of the building, but no longer used therefor, is prejudicial to health or a nuisance,

it shall by notice require the owner of the building to make satisfactory provision for the drainage of the building, or, as the case may be, require either the owner or the occupier of the building to do such work as may be necessary for renewing, repairing, or cleansing the existing cesspool, septic tank, sewer, drain pipe, spout, sink or other appliances, or for filling up, removing or otherwise rendering innocuous the disused cesspool, septic tank, sewer or drain.

(2) Except in cases where the local authority is satisfied that in the case of any particular building it may properly dispense with any provision for drainage, for the purposes of subsection (1), "satisfactory provision for drainage" means that the drainage system and appliances of the building comply with the rules for the time being in force relating to the same and that the drainage systems of the premises connect with available public sewers, or, if there be no such sewers, discharge into cesspools or other places which the authority may approve.

[Ch3401s90]90. Replacement of earth-closets, etc., by water-closets

If any existing building in the district of a local authority has a sufficient water supply and a public sewer is available, the authority may, subject to section 78 (3), by notice to the owner of the building require that any latrines, other than water-closets, provided for, or in connexion with, the building shall be replaced by water-closets and that the owner shall make an application within a specified time to have his drain made to communicate with a public sewer under section 86, notwithstanding that the latrines are not insufficient in number and are not prejudicial to health or a nuisance.

[Ch3401s91]91. Building or land having insufficient latrines or latrines so defective as to require reconstruction

30 of 1969 If it appears to a local authority, having due regard to the purposes for which any building or land is used, that—

(a) such building or land is without sufficient latrine accommodation; or

(b) latrines provided for or in connexion with such building or land are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition,

the authority shall, by notice to the owner of the building or land, require him to provide the building or land with such latrines or additional latrines, or such substituted latrines, as the authority may approve and may consider necessary:

Provided that, unless a sufficient water supply and public sewer are available, the authority shall not require the provision of a water-closet except in substitution for an existing water-closet.

[Ch3401s92]92. Buildings having defective latrines capable of repair

(1) If it appears to a local authority that any latrines provided for or in connexion with a building are in such a state as to be prejudicial to health or a nuisance, but that they can without reconstruction be put into a satisfactory condition, the authority shall by notice require the owner or the occupier of the building to execute such works, or to take such steps by cleansing the latrines or otherwise, as may be necessary for that purpose.

(2) In so far as such a notice requires a person to take any steps other than the execution of works, he shall, if he fails to comply with the notice, be liable to a fine of £5 and to a further fine of £2 for each day on which the offence continues after conviction therefor:

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements, or of its decision to address the notice to him and not to the occupier or, as the case may be, the owner of the building.

Drainage of Buildings in Combination

[Ch3401s93]93. Drainage of buildings in combination

(1) Where a local authority might under this Part require each of two or more buildings to be drained separately into an existing public sewer, but it appears to the authority that those buildings may be drained more economically or advantageously in combination, the authority may, when the drains of the buildings are first laid, require that the buildings be drained in combination into the existing public sewer by means of a private sewer to be constructed either by the owners of the buildings in such manner as the authority may direct, or, if the authority so elects, by the authority on behalf of the owners:

Provided that an authority shall not, except by agreement with the owners concerned, exercise the powers conferred by this subsection in respect of any building for the drainage of which plans have been previously passed by it.

(2) An authority who makes such a requirement as aforesaid shall fix the proportions in which the expenses of constructing, and of maintaining and repairing, the private sewer are to be borne by the owners concerned, or, in a case in which the distance of the existing public sewer from the curtilage of any of the buildings in question is or exceeds one hundred feet, the proportions in which those expenses are to be borne by the owners concerned and the local authority, and shall forthwith give notice of the decision to each owner affected.

(3) An owner aggrieved by a decision of an authority may appeal to the High Court in such manner as may be prescribed by Rules made by the High Court. Subject to any such appeal, any expenses reasonably incurred in constructing, or in maintaining or repairing, the private sewer shall be borne in the proportions so fixed, and those expenses, or, as the case may be, contributions thereto, may be recovered accordingly by the person, whether the authority or owners, by whom they were incurred in the first instance.

(4) A sewer constructed by a local authority under this section shall not be deemed to be a public sewer by reason of the fact that the expenses of its construction are in the first instance defrayed by the authority, or by reason of the fact that some part of those expenses is borne by it.

[Ch3401s94]94. Payment of advances for defraying drainage expenses

(1) In any case where it shall appear to a local authority that the owner or occupier of any premises is unable to make a present payment of the amount of the expenses necessary to be incurred for the drainage and sewerage of such premises and the communication thereof with an available public sewer, the local authority may, subject to any general or special directions of the Minister in that behalf, make an agreement in the prescribed form with such owner or occupier for the advance of a sum of money for such necessary expenses at such interest as may be

prescribed and for its repayment in such and so many instalments as the authority may determine.

(2) Any sum of money so advanced shall be a charge on the premises and all estates and interests therein in respect of which the advance is made and section 135 shall apply, mutatis mutandis, as if the sum advanced were expenses incurred by a local authority under this Act.

[Ch3401s95]95. Rules

The Minister may make Rules for the purpose of prescribing any matters required to be prescribed including the method of construction of any cesspool, earth-closet, privy, septic tank or sewer, or any other structure mentioned in this Part, and generally for carrying out the purposes of this Part.

PART XI

THE PREVENTION AND DESTRUCTION OF MOSQUITOES

[Ch3401s96]96. Breeding places of mosquitoes to be nuisances

For the purpose of this Act—

(a) any collection of water, sewage, rubbish, refuse, ordure, or other fluid or solid substance, which permits or facilitates the breeding or multiplication of animal or vegetable parasites of human beings 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 human beings 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, found to contain any of the immature stages of the mosquito;

(c) any cesspool, latrine, urinal, dung pit or refuse 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.

[Ch3401s97]97. 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 walls or not, tins, boxes, calabashes, earthenware vessels, shells, or any other articles, and trees, standing or fallen, and tree stumps, in such a state or position as to be likely to retain water. Any occupier or owner of any premises failing to comply with this section shall be guilty of an offence and liable to a fine of £5.

[Ch3401s98]98. Clearance of bush or long grass

No person shall permit any premises or lands owned or occupied by him or over which he has control to become so overgrown with bush or long grass as, in the opinion of a medical officer of health, to be likely to harbour mosquitoes.

[Ch3401s99]99. 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 a medical officer of health so as to prevent the ingress of mosquitoes into the same. Any person offending against this section shall be liable to a fine of £5, and, after notice received from a local authority or a medical officer of health, to a further fine of £1 for each day during which he shall make default in complying with such notice:

Provided that this section shall not apply to the keeping of water in a swimming pool the use of which has been authorized in writing by a local authority or medical officer of health.

[Ch3401s100]100. Cesspits to be screened or protected

The occupier or owner of any premises upon or attached to which is any cesspool or septic tank shall cause such cesspool to be properly protected or screened to the satisfaction of a medical officer of health so as to prevent the ingress of mosquitoes. Any persons offending against this section shall be guilty of an offence and liable to a fine of £5, and to a further fine of £1 for each day during which he shall continue to make default after notice received from the local authority to comply with this section.

[Ch3401s101]101. Larvae, etc., may be destroyed

(1) Where any of the immature stages of the mosquito are found on any premises it shall be lawful for the local authority or a health officer to take immediate steps to destroy any such immature stages of the mosquito.

(2) It shall be lawful for the local authority or a health officer to take such action as is necessary to render any pools or collections of water unfit to become breeding places for mosquitoes.

[Ch3401s102]102. Mere presence of mosquito larvae an offence

Notwithstanding any provision 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 articles in or about which there is any collection of water found by a health officer, or any person authorized by him, 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 of £5.

PART XII

PROTECTION OF FOODSTUFFS

[Ch3401s103]103. Construction and regulation of buildings used for the storage of foodstuffs

(1) All warehouses or buildings of whatever nature in regular use for the storage of foodstuffs for trade purposes shall be constructed of such materials and in such manner as shall render such warehouses or buildings rat-proof.

(2) Where any warehouse or building intended for the storage of foodstuffs as aforesaid has fallen into a state of disrepair, or does not afford sufficient protection against rat invasion on account of its design or construction or by reason of the materials used being defective, a 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 a medical officer of health any such foodstuffs within a warehouse or building are insufficiently protected against rats, vermin or pollution the owner thereof shall observe all written instructions and directions of the medical officer of health within a time to be specified in the notice for the better protection of the same, and any owner failing so to do shall be guilty of an offence:

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.

[Ch3401s104]104. No person to 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 for sale are prepared or stored for sale.

(2) If it appears to a medical officer of health that any kitchen or room is being used contrary to 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, he 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.

PART XIII

WATER AND FOOD SUPPLIES

[Ch3401s105]105. Duty of local authorities as to polluted 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.

[Ch3401s106]106. Sale of unwholesome food prohibited

(1) No person shall sell or expose for sale or bring into Malawi or into any market or have in his possession without reasonable excuse any food for man in a tainted, adulterated, diseased or unwholesome state, or which is unfit for use, or any food for any animal which is in an unwholesome state or unfit for its use and any medical officer of health, veterinary officer, health inspector, or any administrative officer or police officer of or above the rank of a sub-inspector may seize any such food, and any magistrate, on the recommendation of a health officer 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 man or animal as the case may be.

(2) No person shall collect, prepare, manufacture, keep, transmit or expose for sale any foodstuffs without taking adequate measures to guard against or prevent any infection or contamination thereof.

[Ch3401s107]107. Seizure of unwholesome food

Any health officer or local authority or person duly authorized by such 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 food for man, and should such food appear to such officer or authority to be unfit for such use, he may seize the same, and any magistrate may order it to be disposed of as in the last foregoing section. The onus of proving that such food was not intended to be used as food for man shall be upon the person charged.

[Ch3401s108]108. Penalty

Any person in whose possession there shall be found any food liable to seizure under sections 106 and 107 shall be liable to a fine of K200 and to imprisonment for six months.

[Ch3401s109]109. Rules

43 of 1971, 3 of 1975 (1) The Minister may make Rules 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 vessels and slaughterhouses, and of factories, stores, shops and any 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;

(c) the veterinary inspection of dairy stock, the sampling and bacteriological examination of milk and dairy produce and the prevention of the sale, or the keeping, transmission, or exposure for sale of milk from a diseased or infected animal;

(d) the duties of dairymen in connexion 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 in connexion 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;

(e) 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 Malawi and the prohibition of the manufacture, preparation, storage, keeping, transmission, sale or export from Malawi 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;

(f) the prohibition of the importation into Malawi of any article of food which is not clean, wholesome, sound and free from any disease, infection or contamination, and the seizure and disposal by destruction or otherwise of any such article so imported;

(g) the preparation, manufacture, or importation and the storage and sale of or trade in articles of food which are packed in air-tight receptacles or are otherwise preserved, and the marking of any such article or receptacle with the date of manufacture or preparation, or with other information;

(h) the prohibition of the importation, sale, possession or use of vessels which are intended to contain milk or any liquid or semi-solid article of food and which are rusty or defectively soldered or are made of material containing in any part likely to come in contact with the contents, lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or danger to health, and fixing the maximum proportions of such substances which may be used in such vessels;

(i) the licensing, regulation and inspection of hotels, restaurants, cafes, and eating-houses;

(j) the licensing, regulation and inspection of the preparation and sale of foods by hawkers;

(k) the licensing, regulation and inspection of aerated water factories and ice manufacture;

(l) the licensing, regulation and inspection of the premises of fishmongers

(m) the licensing, regulation and inspection of the premises of butchers and retailers of meat;

(n) the licensing, regulation and inspection of bakehouses and bakeries;

(o) the fixing of fees and the prescribing of forms in regard to any matters prescribed.

(2) Before making Rules relating to dairies, dairy stock, dairymen, milk and milk products, the Minister shall act on the advice of the Minister responsible for agriculture and natural resources.

[Ch3401s110]110. Fixing of standards for foodstuffs or other articles

(1) The Minister may specify by order standards of quality, composition and condition, and minimum standards, in respect of any foodstuffs, goods or other articles.

(2) Any person who imports, manufactures, sells or barters any foodstuffs, goods or other articles which do not comply with any standard specified in respect thereof by an order made under subsection (1) shall be guilty of an offence.

[Ch3401s111]111. Medical officer of health’s powers to make orders for protection of public health

A medical officer of health, if he reasonably considers such action necessary for the protection of the public health, may—

(a) prohibit the employment by any dairyman or other person in connexion 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;

(b) make orders requiring the closing of any stock-shed or yard or dairy, 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.

[Ch3401s112]112. Power to make orders

The Minister, may make orders—

(a) prohibiting the sale or exposure for sale of milk by any dairyman who has been three times convicted of offences under this Part or any Rules made thereunder;

(b) requiring the medical examination of any persons 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 is or has been engaged in the collection, preparation, keeping, conveyance or distribution of any such milk or produce or article.

PART XIV

CEMETERIES

[Ch3401s113]113. Cemeteries and crematoria to be appointed

(1) It shall be lawful for the Minister to select and appoint and to notify in the Gazette sufficient and proper places to be the sites of, and to be used as, cemeteries or crematoria for townships and rural areas; and it shall be obligatory where such cemeteries or crematoria exist to bury or cremate the dead in such cemeteries or crematoria in conformity with the provisions of Rules made by the local authority concerned. Any person who shall be guilty of a breach of any such Rule shall be liable to a fine of £75.

(2) No person shall export any corpse from Malawi, or cremate any corpse within Malawi, without, in the case of export, the written permission of the Minister, or, in the case of cremation, of a medical officer first had and obtained.

[Ch3401s114]114. List of authorized cemeteries

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

[Ch3401s115]115. Permit to exhume

(1) Subject to this Act it shall not be lawful to exhume any body or the remains of any body which may have been interred in any authorized cemetery or in any other cemetery, burial ground or other place without a permit.

(2) (a) 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 authorized agent.

(b) 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.

(3) The Minister 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 any such permit, shall be liable to a fine of £150:

Provided always that nothing herein contained shall be deemed to affect the right of a coroner 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.

[Ch3401s116]116. Exhumation needed for execution of public works

(1) It shall be lawful for the Minister whenever he shall deem it expedient for the execution of any public work or any public purpose, to order removal of any body or the remains of any body from any grave whether in an authorized cemetery or elsewhere, and by order under his hand to direct such removal to be made in such manner as he shall think fit.

(2) No such order shall be made in respect of any grave situated in an authorized cemetery until six months' notice of the intention to make it shall have been given by notification in the Gazette. Copies of such notice shall be posted at or near the grave, 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. Such copies shall be accompanied by a translation in the language of the race to which such personal representative or next of kin belongs.

(3) When an order is made directing a removal from any grave aforesaid elsewhere than in an authorized cemetery, due notice of such order 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 is undertaken and to the local authority of the area in which the grave is situated.

(4) The Minister shall cause proper and fitting arrangements to be made for the re-interment of any body or remains of any body removed under this section, and for the removal and re-erection of any monument, all charges in connexion therewith being defrayed out of the public revenue.

[Ch3401s117]117. Record of permit for exhumation

There shall be kept at the office of the Registrar General of Births, Deaths and Marriages, a record of every permit granted and of every order made under the last two sections other than an order made by a magistrate. Such record shall contain particulars, so far as the same can be ascertained, of the race, nationality, name, sex and age of the persons buried, date of burial and of the place of original burial and re-burial or removal. Such record shall be open during office hours to inspection by any person.

[Ch3401s118]118. Closing of cemeteries by Minister

It shall be lawful for the Minister to notify in the Gazette that any authorized crematorium or cemetery shall, from a time in such notification to be specified, be closed, and the same shall be closed accordingly and whoever, after the said specified time, shall burn or bury any body or the remains of any body in the said crematorium or cemetery shall be liable to a fine of £75.

[Ch3401s119]119. Cremations in places where no crematorium provided

In places where no crematorium is provided, it shall be permissible for cremations to be carried out at such places and under such conditions as are laid down by the local authority with the concurrence of the medical officer of health.

PART XV

GENERAL

[Ch3401s120]120. Basements not to be occupied without permission

It shall not be lawful without the written permission of the local authority on the advice of the medical officer of health to live in, occupy or use or to let or sublet, or to suffer or permit to be used any basement for habitation, nor to use such basement as a shop, office, 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 ratproof to the satisfaction of a medical officer of health.

[Ch3401s121]121. Lodging-houses

The Minister may 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.

[Ch3401s122]122. Nursing homes

(1) No person shall open or keep open a nursing home, maternity home, mental home, convalescent home, private hospital, infirmary or any institution where invalids, mental patients or convalescents are treated or received upon payment of fees or charges unless the premises thereof are approved by the Secretary for Health and a permit has been obtained from him. Permits granted shall be in accordance with any conditions laid down by the Secretary for Health and shall be liable to cancellation by him on violation or non-fulfilment of any of the conditions laid down.

(2) The Secretary for Health may authorize a medical practitioner on his behalf to visit any such premises as in this section mentioned and to report to the Secretary for Health upon any matter or thing connected with the premises or the use thereof.

(3) Any person who knowingly obstructs an authorized medical practitioner in any such inspection as is authorized by the Secretary for Health shall be guilty of an offence.

[Ch3401s123]123. Maternity and child welfare

The Minister may make Rules for the proper control and administration of clinics or institutions open or kept open by any person for the welfare and care of children or the care of expectant or nursing mothers.

[Ch3401s124]124. Regulation of public washermen

Any local authority may by public notice prohibit the washing of clothes by washermen in the exercise of their calling except at public wash-houses or at such other places as may be appointed for the purpose.

[Ch3401s125]125. Control of irrigated land

(1) Where it is shown to the satisfaction of the Minister, that the growing of any crop or the irrigation of any land in any area is unhealthy or insanitary, the Minister may, by notice published in the Gazette, prohibit the growing of any crop or the irrigation of any land within such area, and may cause any permit or authorization issued for the diversion, abstraction or use of water for such purpose to be cancelled upon such terms as may appear to him equitable.

(2) The Minister may make Rules 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.

[Ch3401s126]126. Supervision of importation or manufacture of vaccines, etc.

(1) The Minister may provide for the inspection, sampling and examination, by officers of the Ministry of Health, of vaccines, vaccine lymphs, sera, and similar substances imported into or manufactured in Malawi and intended to be 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 make such Rules as he may consider necessary for properly carrying out this section.

PART XVI

MISCELLANEOUS PROVISIONS

[Ch3401s127]127. Authentication of notices, etc.

(1) Any notice, order, consent, demand, complaint or other document which is required or authorized by or under this Act may be signed or authenticated in the case of a local authority by—

(a) the secretary or executive officer;

(b) the surveyor, engineer, health officer or financial officer of or acting on behalf of the authority as respects documents relating to matters within their respective provinces;

(c) any other officer authorized by the authority in writing to sign documents of the particular kind or the particular document as the case may be.

(2) The Minister may by Rule prescribe the form of any notices, orders, consents, demands or other documents to be used for any of the purposes of this Act and if forms are so prescribed those forms or forms to a like effect may be used in all cases to which those forms are applicable.

[Ch3401s128]128. Service of notices, etc.

Any notice, court summons, order or other document required or authorized to be served or issued under this Act may be served by delivering the same at the residence of the person to whom it is addressed, or, where it is 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 is no person on the premises who can be served, by fixing the same on some conspicuous part of the premises; it may also be served by post in a registered letter, and if so served 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, court summons, order or other document was properly addressed and put in the post.

[Ch3401s129]129. Powers and duties of the officers of the Ministry of Health

Any duties imposed or powers conferred by this Act on medical officers of health or health officers may be carried out or exercised by the Secretary for Health or any person designated by him for that purpose.

[Ch3401s130]130. 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 taken 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.

[Ch3401s131]131. Powers of entry and inspection of premises and penalties for obstruction

(1) Any health inspector, medical officer of health, administrative officer, or police officer of the rank of subinspector or above, or any person generally or specially authorized in writing by the Secretary for Health, may, at any reasonable hour 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 authorized by this Act, 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.

[Ch3401s132]132. Provisions as to appeals against and the enforcement of notices requiring execution of works

The following provisions of this section shall, subject to any express modifications specified in the section under which the notice is given, apply with respect to appeals against, and the enforcement of, notices requiring the execution of works under this Act—

(a) Any such notice shall indicate the nature of the works to be executed, and state the time within which they are to be executed.

(b) Any person served with such a notice as aforesaid may appeal in the manner hereinafter provided on any of the following grounds which are appropriate in the circumstances of the particular case—

(i) that the notice or requirement is not justified by the terms of the law under which it purports to have been given or made;

(ii) that there has been some defect or error in, or in connexion with, the notice;

(iii) that the works required by the notice to be executed are unreasonable in character or extent;

(iv) that the time within which the works are to be executed is not reasonably sufficient for the purpose;

(v) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served.

(c) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in connexion with the notice, the appeal shall be dismissed, if it is shown that the informality, defect or error was not a material one.

(d) Where the grounds upon which an appeal under this section is brought include a ground specified in paragraph (b) (v), the appellant shall serve a copy of his notice of appeal on each other person referred to, and in the case of any appeal under this section may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal an order may be made with respect to the person by whom any work is to be executed or as to the proportions in which any expenses which may become recoverable by the authority are to be borne by the appellant and such other person.

In the exercise of the powers conferred by this subsection, regard shall be had as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required.

(e) Subject to this Act, any appeal in pursuance of this section shall be preferred, in the case of notices requiring the execution of works issued by a local authority, to the court of a magistrate of the first or second class exercising jurisdiction in the place where the premises are situated in pursuance of any Rules made in that behalf by the High Court.

(f) The time within which any such appeal may be brought shall be two months from the date on which notice requiring the works was served upon the person desiring to appeal.

[Ch3401s133]133. Execution of works

(1) Subject to a right of appeal, if the person required by the notice to execute works fails to execute the works indicated within the time thereby limited, the local authority may itself execute the works and recover from that person the expenses reasonably incurred by it in so doing and, without prejudice to its right to exercise that power, he shall be liable to a fine of £5, and to a further fine of £2 for each day on which the default continues after conviction therefor.

(2) In proceedings by a local authority against the person served with the notice for the recovery of any expenses which the authority is entitled to recover from him, it shall not be open to him to raise any question which he could have raised on an appeal against such notice.

[Ch3401s134]134. Certain expenses recoverable from owners to be a charge on the premises; power to accept payment by instalments

(1) Where a local authority has incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable under this Act, or by agreement with the authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the authority from the person who is the owner of the premises at the date when the works are completed, or, if he has ceased to be the owner of the premises, before the date when a demand for the expenses is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein. The charge hereby created shall be deemed to extend to any expenses lawfully paid to the Deeds Registrar in connexion with the registration or withdrawal of the charge in pursuance of the other provisions of this section.

(2) The charge created by subsection (1) shall be in favour of the local authority as the case may be if such authority is a body corporate entitled to hold land and in all other cases the charge shall be in favour of the Minister and the local authority or the Minister shall have all powers and remedies conferred on mortgagees by the Deeds Registration Act and any other law for the time being in force. Cap. 58:02

(3) The local authority shall, prior to the commencement of any work the cost of which will constitute a charge on the land on or in respect of which the same is done, serve on the Deeds Registrar a notice stating that such work is about to be commenced and specifying the property that will be the subject of such charge and thereupon the Registrar shall enter such notice in the appropriate Volume and Folio of the Register Book (hereinafter referred to as “the Register").

(4) On the completion of such work the said local authority shall serve on the Deeds Registrar a further notice specifying the amount in respect of which such land by virtue of subsection (1) stands charged and thereupon the Deeds Registrar shall protect the interest of the said local authority or of the Minister, as the case may be, on the Register in such manner as shall appear to him appropriate.

(5) A notice or entry on the Register pursuant to subsection (3) or (4) shall be deemed to constitute actual notice to all persons that a charge against the land comprised in the Volume and Folio of the Register in which such notice or entry appears is pending or existent but such charge shall be void as against a bona fide purchaser for money or moneys worth of a legal estate in such land unless the notice referred to in subsection (3) has been served on the Deeds Registrar before the date of lodgment with him of the instrument of transfer executed in pursuance of such purchase.

(6) In making any entry on the Register pursuant to subsection (4) the Deeds Registrar shall accept as conclusive the statement in writing relating to such charge of any duly constituted officer of any such local authority.

(7) Any person having any registered estate in land in respect of which any such notice or entry appears on the register or any interest protected by the entry of a caveat may summon such local authority, or the Attorney General on behalf of the Minister as the case may be, to appear

before the High Court and show cause why such notice or entry should not be removed from the Register and such Court may make such order in the premises either ex parte or otherwise and as to costs as to it seems fit.

(8) A local authority may, subject to the approval of the Minister of Finance, or some other officer whom the Minister may charge with such duty, agree that any expenses recoverable by the authority under this section shall be payable with interest by instalments within such period as it thinks fit, until the whole amount is paid. Any such instalments and interest, or any part thereof, may be recovered from the owner or occupier for the time being of the premises in respect of which the expenses were incurred, and, if recovered from the occupier, may be deducted by him from the rent of the premises:

Provided that an occupier shall not be required to pay at any time any sum in excess of the amount which was due from him on account of rent, or has become due from him on account of rent since the date on which he received a demand from the authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

(9) The rate of interest chargeable under subsection (1) or subsection (8) shall be such rate as the Minister may determine.

(10) Every local authority shall keep at its offices a register of all expenses incurred and advances made under this section, and shall show in such register the total amounts thereof, the instalments in which the same are payable, the land or premises in respect of which the same have been incurred or made, and the balances for the time being outstanding; and shall keep such register open at all reasonable times to the inspection of any person, free of charge. Such register and any extract therefrom, certified by any other person authorized by the local authority in that behalf, shall, in any proceedings for the recovery of such expenses, advances or interest thereon or any instalments thereof, be prima facie evidence of the matters contained therein.

[Ch3401s135]135. Power to make a charge in respect of establishment expenses

Where under this Act a local authority is empowered to execute works and to recover from any person the expenses incurred by it in so doing, it may include in, and recover as part of, the expenses an additional sum to cover customs duties and other charges and departmental expenses on such scale or in such manner as may be prescribed or as the Minister may direct.

[Ch3401s136]136. Recovery of expenses, etc.

(1) Any sum which a local authority is entitled to recover under this Act and with respect to the recovery of which no other provision is made, may be recovered as a simple contract debt in any court of competent jurisdiction.

(2) The time within which summary proceedings may be taken for the recovery of any such sums shall, except where otherwise expressly provided, be reckoned from the date of the service of a demand therefor.

[Ch3401s137]137. Protection of local authorities and their officers from personal liability

No matter or thing done and no contract entered into by any local authority, and no matter or thing done by any member of any such authority or by any officer of or acting on behalf of such authority or other person whomsoever acting under the direction of such authority,

shall, if the matter or thing were done or the contract entered into bona fide for the purpose of executing this Act, subject any member, officer or person as aforesaid personally, to any action, liability, claim or demand whatsoever.

[Ch3401s138]138. 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 or any Rules made hereunder, shall, if no penalty is expressly provided for such offence, contravention or default, be liable to a fine of £100, and if the offence, contravention or default is of a continuing nature, to a further fine of £5 for each day during which he shall make default.

[Ch3401s139]139. Liability of secretary or manager of company

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

[Ch3401s140]140. 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 on or more of them without proceeding against the others.

[Ch3401s141]141. Prosecution

(1) A local authority may, by any of its officers or by any person generally or specially authorized in writing by such local authority, prosecute for any contravention of, offence against, or default in complying with, any provision of this Act or any Rule made or deemed to be made hereunder, if the contravention, offence, or default is alleged to have been committed within or affects its district.

(2) Where an officer or person authorized by a local authority has under subsection (1) prosecuted any person for any contravention of, offence against or default in complying with any provision of this Act, or any Rule made or deemed to be made hereunder and the accused has been convicted of a contravention, offence or default, all fines and penalties imposed may be recovered by such officer or person authorized by a local authority as a civil judgment debt.

[Ch3401s142]142. 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.

[Ch3401s143]143. Power to make Rules for purposes of this Act

(1) The Minister may make Rules for any purpose having as its object the preservation of health or prevention of disease, and generally for the carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, the Minister may make rules regarding the following matters—

(a) the licensing, regulation and inspection of the premises of hairdressers;

(b) the licensing, regulation and inspection of laundries and wash-houses;

(c) the regulation, inspection and control of cemeteries and crematoria;

(d) the disposal and burial of corpses;

(e) the fixing of fees and the prescribing of forms in regard to any matters prescribed.

[Ch3401s144]144. Saving

5 of 1932All Rules, orders, proclamations, notices and appointments made under the Public Health Ordinance, 1932 (now repealed) shall, in so far as they are not inconsistent with this Act, be deemed to have been made hereunder, and shall continue in force until replaced by Rules, orders, proclamations, notices and appointments made under this Act.

SUBSIDIARY LEGISLATION

APPLICATION OF ACT NOTICES

under s. 2

G.N. 144/1948

230/1949

127/1950

211/1950

178/1952

268/1970

88/1971

It has been directed that the provisions of the Act specified in the first column of the Schedule hereto shall apply in whole or in part to Malawi as specified in the second column of the said Schedule—

SCHEDULE

Provisions of the Act	Malawi, or part thereof
The whole, except section 120	Those areas which are within a radius of two miles from the Monkey Bay Hotel, in the Mangochi District
PART I	The whole of Malawi
PART II	The whole of Malawi
PART III	The whole of Malawi
PART IV	The whole of Malawi
PART V	The whole of Malawi
PART VI	The whole of Malawi
PART VII	The whole of Malawi
PART VIII	The whole of Malawi
PART IX— Sections 59–61 inclusive; 62 subsections (1)–(4) inclusive, (9), (10), (13), (15), (17), (19), and (23); 63–70 inclusive; and 72–77 inclusive	The whole of Malawi
Section 62 subsections (5)–(8) inclusive, (11), (12), (14), (16), (18), (20), (21), and (22); and 71	All Municipalities, Townships and the settled areas of Chinteche, Mzimba, Nkhotakota, Kasungu, Ncheu, Chiradzulu, Mulanje, Luchenza, Chikwawa

PART X— Sections 79–94 inclusive Those areas which are within a radius of four miles from the District Commissioner's office at Zomba in the Zomba District
PART XI— Sections 96–100 inclusive and 102
PART XV— Sections 120, 121, 124 and 125 The settled areas of the Thyolo District
PART X— Sections 78 and 95 The whole of Malawi
PART XI— Sections 96–100 inclusive and 102 Those areas which are within a radius of one mile from the Cape Maclear Hotel in the Mangochi District
Section 101 The whole of Malawi
PART XII The whole of Malawi
PART XIII The whole of Malawi
PART XIV The whole of Malawi
PART XV— Sections 122,123 and 126 The whole of Malawi
PART XVI The whole of Malawi

PUBLIC HEALTH (INFECTED AREAS) (HUMAN TRYPANOSOMIASIS) RULES
under s. 31
G.N. 196/1952
197/1954(F)
224/1963

1. Citation

These Rules may be cited as the Public Health (Infected Areas) (Human Trypanosomiasis) Rules.

2. Interpretation

In these Rules, the expression "infected area" means any part of Malawi which has been declared by the Minister to be an infected area by reason of the disease of human trypanosomiasis under section 31 of the Act.

3. Powers of officials

The Secretary for Health, a medical officer, and any person authorized in writing by the Secretary for Health or a medical officer, may—

(a) require any person residing in an infected area who is suffering or suspected to be suffering from human trypanosomiasis to submit to medical examination;

(b) require any person who enters or leaves an infected area to submit to medical examination;

(c) cause any person found to be suffering from human trypanosomiasis or who has been in contact with any person suffering from human trypanosomiasis to be removed to a hospital or to any other place designated by the Secretary for Health for the reception of such persons;

(d) require any person found to be suffering from human trypanosomiasis to undergo medical treatment for that disease for such period of time and at such place as a medical officer may direct;

(e) provide any medical aids which may be required for the treatment of persons suffering from human trypanosomiasis, including the provision of emergency hospitals, camps and stations;

(f) require all persons resident in an infected area or in any part thereof to attend at such place as may be specified by the Secretary for Health for registration;

(g) require the owner of any vehicle normally kept in an infected area to register such vehicle at such place and in such manner as may be specified by the Secretary for Health;

(h) restrict the movement of vehicles or animals within an infected area;

(i) specify the areas in which wood may not be cut in an infected area;

(j) prohibit or control the entry of persons into an infected area who are not normally resident therein;

(k) prohibit or control any hunting within an infected area;

(l) require vehicles and persons to stop at any place indicated for the purpose and to submit to disinsectization to prevent the spread of tsetse flies.

4. Entrance into places within infected area

The Secretary for Health, a medical officer and any person authorized in writing by the Secretary for Health or a medical officer, may at all times enter into any building or place within an infected area for any purpose connected with the performance of any power conferred by rule 3.

5. Offences

Any person who—

(a) obstructs the Secretary for Health, a medical officer, or a person duly authorized by the Secretary for Health or a medical officer under these Rules, in the exercise of any power conferred by these Rules; or

(b) fails, neglects or refuses to comply with any requirement made under these Rules; or

(c) does any act or thing which under these Rules is forbidden to be done,

shall be liable to a fine of £25.

APPLICATION OF RULES

under s.31

G.N. 196/1952

197/1952

It has been ordered in terms of section 31 of the Act that the Public Health (Infected Area) (Human Trypanosomiasis) Rules shall apply to the whole of the area declared to be an infected area by Government Notice 195 /1952 (below).

DECLARATION OF INFECTED AREA

under s. 31

G.N. 195/1952

Whereas it appears that the area of Chief Chapananga, the boundaries of which area are described in the Schedule hereto, is a part of Malawi which is threatened by human trypanosomiasis, such area has been declared to be an infected area.

SCHEDULE

Commencing at beacon No. 39 on the Malawi-Mozambique Border, by the Chikwawa District northern boundary in an easterly direction to a point on the summit of Kapirimbewe Hill; thence by a straight line in a southerly direction to the source of Mtumba Stream; thence by the Mtumba Stream downstream to the point where it is crossed by the Blantyre-Tete telegraph line; thence by a straight line in a south-westerly direction to a point on the Mwanza River half a mile west of Mwazaonga Village; thence by the Mwanza River downstream to a point one mile west of the south-western corner of the Kasindula Estate of the Central Africa Company, Limited (Deed No. 12496); thence by a straight line in a southwesterly direction to the confluence of the Nkombezi-wa-Fodia and Makanga Rivers; thence by the Makanga River upstream to its source; thence by a straight line due west to the Malawi-Mozambique Border; thence by the Malawi-Mozambique Border in a general north-westerly direction to the point of commencement.

YELLOW FEVER (PREVENTION OF INTRODUCTION) ORDER

under s.38

G.N. 182/1951

224/1963

1. Citation

This Order may be cited as the Yellow Fever (Prevention of Introduction) Order.

2. Interpretation

For the purposes of this Order—

(a) "sanitary authority" means the Secretary for Health or any person authorized by him to perform the duties of sanitary authority;

(b) an aircraft shall be deemed to have been in contact with another aircraft if, prior to its arrival at any place in Malawi, it has been on an aerodrome while such other aircraft was on that aerodrome;

(c) "sanitary aerodrome" means an aerodrome which has been declared as such by notice in the Gazette;

(d) "authorized aerodrome" means any one of the aerodromes mentioned in the First Schedule;

(e) "scheduled place" means any country or part of a country within an endemic zone as delineated in the Second Schedule;

(f) "valid inoculation certificate" means a certificate in the form prescribed in the International Sanitary Regulations, 1965, which certifies—

(i) that the certificate is valid only if the vaccine used has been approved by the World Health Organization and if the vaccinating centre has been designated by the health administration for the territory in which that centre is situated;

(ii) that the validity of the certificate shall extend for a period of 10 years beginning 10 days after the date of vaccination or in the event of a revaccination, within such period of 10 years from the date of that revaccination.

3. Application

This Order shall apply to every aircraft, vessel, road or railway vehicle, and to the passengers and crew thereof arriving at any place in Malawi from any scheduled place.

4. Aircraft

(1) Every aircraft to which this Order applies shall make its first landing in Malawi at a sanitary or authorized aerodrome and together with the crew and passengers may be subject to inspection by the sanitary authority.

(2) No member of the crew and no passenger of any such aircraft shall have access to the public or leave the aerodrome until authorized by the sanitary authority.

(3) No person shall be deemed to have contravened or failed to comply with this part of this Order if the pilot or person in charge of the aircraft proves that accident, stress of weather or other unavoidable circumstances prevented him from making his first landing at a sanitary or authorized aerodrome provided that—

(a) the pilot or person in charge of any aircraft making its first landing at a place other than a sanitary or authorized aerodrome forthwith reports the facts of the situation by the most expeditious means to the nearest district officer or Medical Officer of the Ministry of Health or police officer; and

(b) the pilot or person in charge of such aircraft if so ordered by a district officer or Medical Officer of the Ministry of Health or police officer shall proceed with such aircraft to a sanitary or authorized aerodrome as soon as possible; and

(c) the crew and passengers of such aircraft comply with the instructions of a district officer or Medical Officer of the Ministry of Health or police officer.

5. Pilot’s duties

The pilot or person in charge of every aircraft to which this Order applies shall, at the request of the sanitary authority—

(a) give the names and addresses at destination of all persons carried;

(b) state the place where and the date on which each person was taken on board;

(c) state whether the aircraft has, within the six days preceding arrival at any place in Malawi, been on the ground in any scheduled place;

(d) produce his journey logbook for inspection; and

(e) furnish any other information of a public health nature in his possession regarding persons, animals, articles or things on board.

6. Furnishing of information

Every person to whom this Order applies shall, at the request of the sanitary authority, furnish any information of a public health nature concerning himself that may be required by such authority.

7. Inspection of vehicle and medical examination

The sanitary authority may—

(a) inspect any aircraft and any road or railway vehicle and any vessel to which this Order applies and the cargo thereof to ascertain whether they contain mosquitoes, and may subject the aircraft or road or railway vehicle or vessel to disinsectization; and

(b) conduct or cause to be conducted a medical examination of the passengers and crew of such aircraft or road or railway vehicle or vessel to ascertain whether they are free from symptoms of yellow fever.

8. Examination and detention

Every person to whom this Order applies shall, if so required by the sanitary authority, submit himself to medical examination and shall be dealt with by the sanitary authority as follows—

(a) if such person is not in possession of a valid inoculation certificate he may be detained and subjected to observation in a place and under conditions approved by the sanitary authority for a period not exceeding six days reckoned from the date of leaving any scheduled place;

(b) if such person is in possession of a valid inoculation certificate he shall be allowed to proceed without being subjected to observation.

9. Inoculation

When in his opinion such action is necessary for the protection against yellow fever of Malawi or of any part thereof, the Secretary for Health may order any person or group of persons in Malawi to be inoculated against yellow fever.

FIRST SCHEDULE para. 2 (d)

AUTHORIZED AERODROMES

Blantyre Airport (Chileka) Lilongwe Mzimba
Zomba Karonga Mangochi

and such other aerodromes as may from time to time be notified in the Gazette.

SECOND SCHEDULE para 2 (e)

ENDEMIC ZONE

The delineation is as follows:

From the mouth of the River Senegal along that river eastwards to the 15° North parallel of latitude; thence eastwards along that parallel to the western border of the Sudan; thence southwards along that border to the 12° North parallel; thence eastwards along that parallel to the eastern border of the Sudan; thence northwards along that border to the Red Sea coast; thence southwards along the eastern coast of Africa to the northern boundary of the French Territory of the Afars and the Issas; thence along that boundary successively westwards, southwards and eastwards to the southern boundary of Somalia (Northern Region) and along that boundary eastwards and northwards to the eastern coast of Africa and thence along this coast to the southern boundary of Tanzania (Tanganyika); thence westwards along that boundary to its

junction with the eastern boundary of the Congo (Democratic Republic); thence westwards and southwards along the boundary of the Congo (Democratic Republic) to the 10° South parallel of latitude; thence westwards along that parallel to the eastern border of Angola; thence southwards along that border and then along the eastern boundary of Balovale District** and Barotse Province** (Zambia) to the northern border of South-West Africa; thence westwards along that border to the west coast of Africa; thence northwards along the west coast of Africa to the mouth of the River Senegal, including the islands of the Gulf of Guinea. Excluded from the endemic zone are: the French Territory of the Afars and the Issas and the Northern Region of Somalia; Assab, Massawa, an area of 10 kilometers in radius from the centre of Asmara and an area of 20 kilometres in radius from the centre of Addis Ababa (Ethiopia); Kisumu airport, Nairobi airport, Mombasa port and Mombasa airport (Kenya). The continued exclusion of these areas is, however, contingent on their maintenance of an Aedes aegypti index not exceeding 1 per cent.* in Assab and Massawa, in and around Asmara, in Jibuti, Berbera and Hargeisa, in the airports of Kisumu and Nairobi and in the port and airport of Mombasa, as reported quarterly to the World Health Organization.

PREVENTION OF THE INTRODUCTION OF SMALLPOX PROCLAMATIONS
deemed to be made under s. 38

[made under Part VI of the Public Health Ordinance, 1932, No. 5 of 1932 (now repealed)]

The following requirements and conditions have been proclaimed and declared for the purpose of preventing the introduction of smallpox into Malawi:

1. With respect to Southern Rhodesia and South Africa—

(a) All persons arriving by train at Nsanje from Southern Rhodesia or the Republic of South Africa and intending to enter Malawi may be required by the sanitary authority to be medically examined. Any such person so required shall submit himself to medical examination. G.N. 50/1944, 199/1954(F)

(b) Any such person who on medical examination shows no evidence of previous successful vaccination may be required to be vaccinated and shall, if so required, submit himself to vaccination.

(c) For the purpose of this notice “sanitary authority” means the Secretary for Health or any person authorized by him to perform the duties of sanitary authority.

2. With respect to Tanzania and Zambia— G.N. 90/1944, 200/1954(F)

(a) All persons coming from Tanzania or Zambia and intending to enter the Karonga or Mzimba District of Malawi may be required by the sanitary authority to be medically examined. Any such person so required shall submit himself to medical examination.

(b) Any such person who on medical examination shows no evidence of previous successful vaccination may be required to be vaccinated and shall, if so required, submit himself to vaccination.

(c) For the purpose of this notice "sanitary authority" means the Secretary for Health or any person authorized by him to perform the duties of sanitary authority.

PUBLIC HEALTH (VACCINATION POSTS) RULES

deemed to be made under s. 51

[made under s. 54 of the Public Health Ordinance, 1932, No. 5 of 1932 (now repealed)]

G.N. 93/1938

25/1939

224/1963

88/1971

1. Citation

These Rules may be cited as the Public Health (Vaccination Posts) Rules.

2. Vaccination posts

The posts set out in the Schedule hereto shall be vaccination posts for the purposes of these Rules.

3. Examination and vaccination

Any person passing a vaccination post may be required by the vaccinator in charge of such post to submit himself for examination and if such person, in the opinion of the vaccinator, requires vaccination, he may then and there be vaccinated.

4. Offences

Any person who, when called upon by the vaccinator to submit himself for such examination or vaccination refuses to do so, or obstructs the vaccinator in his duties of examination and vaccination, shall be guilty of an offence against these Rules.

5. Penalty

Any person who is convicted of an offence against these Rules may be sentenced to a fine of K10.00 and to imprisonment for three months.

SCHEDULE

Vaccination post	District
Muloza	Mulanje
Mariyela	Mulanje
Phalombe	Mulanje
Ifumba	Karonga
Kaporo	Karonga

PUBLIC HEALTH (MINIMUM BUILDING STANDARDS FOR TRADITIONAL HOUSING AREAS) RULES

under s.75

G.N. 10/1960

21/1960

48/1963

224/1963
89/1971

1. Citation and application

These Rules may be cited as the Public Health (Minimum Building Standards for Traditional Housing Areas) Rules, and shall apply to such areas (hereinafter referred to as Traditional Housing Areas) as the Minister may, by Order published in the Gazette, declare.*

2. Interpretation

In these Rules, unless the context otherwise requires—

"building line" means a line drawn across a plot so that no building or structure, except a boundary wall or fence of approved design enclosing the plot, may be erected within the area contained between the line and the plot frontage;

89/1971"controlling authority" means, in relation to a Traditional Housing Area, the local authority, corporation, or other body or person authorized by the Minister to administer such Area;

"dwelling house" means a building used exclusively or partly for the purpose of human habitation; and

"plot" means any piece or parcel of land whether demarcated by survey or not.

3. Application of Rules in Planning Areas

When any area, to which these Rules shall be applied, is included in a planning area declared under the Town and Country Planning Act, these Rules shall not apply where the dwelling house to be erected on a plot is intended to be of permanent construction or is to be constructed of permanent building materials; but the relevant provisions of such Act shall apply thereto. Cap. 23:01

4. Building line

No building shall be sited on a plot otherwise than in accordance with any building line approved by the controlling authority.

5. Size of plots

89/1971No plot shall be less than 4,000 square feet and the maximum area of any plot which may be built on shall be one third of the total area.

6. Side boundaries

No building shall be erected within 10 feet of any side boundary of the plot on which it stands:

Provided that a latrine may be sited up to the line of the back boundary of the plot.

7. Latrines

Every latrine shall be sited in accordance with the directions of the controlling authority.

8. Minimum area specifications

(1) Every dwelling house shall have a minimum floor area of 40 square feet for each person to be accommodated therein.

(2) No round house or rondavel shall have an internal diameter less than 12 feet.

(3) Rectangular houses shall not be smaller than 180 square feet total floor area, and no single wall shall be less than 10 feet in length. Each occupant of a house shall have at least 40 square feet of floor area in rooms used for sleeping purposes.

(4) When thatch is the roof material the height from the floor to the top of the wall shall be not less than six feet, and when the roof is of iron or aluminium the minimum height of wall shall be not less than eight feet.

(5) Where the window space which opens does not equal or exceed one twentieth of the floor area, an air space four inches in height shall be provided between all the walls and the roof.

9. Specifications for latrines

(1) Every dwelling house shall be provided with a latrine, the doorway of which shall be suitably screened from view.

(2) A pit latrine shall be at least 15 feet in depth from ground level to the bottom of the pit and shall be provided with a roof, the height of which shall be at least six feet from the floor to the underside of the roof or ceiling:

Provided that when the surface of the water table is less than 15 feet below ground level a depth of 10 feet from ground level to the bottom of the pit shall be permitted.

(3) A pit latrine shall be provided with a concrete stance and with a fly-proof cover.

10. External doors

Every dwelling house shall be provided with an external door or doors to the satisfaction of the controlling authority.

11. Drainage

Storm water drainage shall be provided and the filling of holes and clearing of the site shall be completed by the house owner to the satisfaction of the controlling authority on or before the date of completion of the building.

12. Kitchen

Each dwelling house shall be provided with a kitchen of not less than 24 square feet floor area and with adequate ventilation to the satisfaction of the controlling authority.

13. Foundations

Foundations shall be adequate to support the load transmitted to them and shall be constructed in such a manner as the controlling authority may approve. Every foundation shall be laid on ground of such compressive strength as will carry the total loads imposed.

14. Walls

89/1971Walls shall be constructed of materials approved by the controlling authority. They shall have a smooth internal finish and external protection in accordance with best local customs except where the controlling authority may require any other form of finish.

15. Floors

Every floor shall have a smooth finish and shall be at least four inches above the surrounding ground level. A floor may be constructed of well compacted earth or of such materials as will provide a smooth hygienic finish.

16. Roofs

Every roof shall be of thatch or of asbestos, tiles, corrugated iron or aluminium or of such other material as may be approved by the local authority.

17. Screens

Screening of bathrooms and latrines may be in reed fencing or other material approved by controlling authority.

18. Notice to be given

Every person proposing to erect any dwelling house to which these Rules apply shall give notice to the controlling authority, or to any representative thereof appointed under rule 22, of his intention to build and shall supply such particulars of the proposed building and materials as the controlling authority or such representative shall require. No person shall commence any building operations until the written authority of the controlling authority or any such representative has been obtained.

19. Restriction on right to occupy

No person shall occupy or permit the occupation of any dwelling house to which these Rules apply until he has obtained from the controlling authority a permit in writing authorizing occupation of such premises, which permit shall not be issued unless the controlling authority is satisfied that the construction of the dwelling house is to a standard not lower than is required by these Rules.

20. Restriction of numbers

Where rooms are used for the housing of employees without their families, no more than eight persons shall be permitted to sleep in any one room without the permission in writing of the controlling authority.

21. Entry and inspection

(1) Any person authorized by a controlling authority may with or without workmen or others at all reasonable times enter upon the site of any building for the purpose of the inspection of such building whether under construction or already constructed, or for the purpose of securing compliance with any of these Rules.

(2) Every person shall comply forthwith with any written notice given by a controlling authority, or by any representative thereof appointed under rule 22 requiring any such person to carry out any works, repairs or operations, or to do or to refrain from doing anything for the purpose of securing compliance with any of these Rules.

22. Controlling authority representative

A controlling authority may, and shall when so directed by the Minister, appoint a person or persons approved by the Minister to act as its representative for the purposes of these Rules, and any act, matter or thing done by any such representative on behalf of the controlling authority shall be deemed to have been done by such controlling authority.

23. Penalties

Any person who contravenes any of the provisions of these Rules shall be guilty of an offence and shall be liable to the penalties prescribed in section 138 of the Act.

APPLICATION OF PUBLIC HEALTH (MINIMUM BUILDING STANDARDS FOR TRADITIONAL HOUSING AREAS) RULES
under rule 1
G.N. 90/1971
253/1971
263/1971

It has been ordered under rule 1 of the Public Health (Minimum Building Standards for Traditional Housing Areas) Rules that such Rules shall apply to the following areas—

(a) ALL THAT piece or parcel of land situate at Bangwe in the Blantyre District (City of Blantyre) known as the Bangwe Traditional Housing Area and consisting of the area surveyed as plots BL/46, BL/57 and BL/378 which are shown upon Surveys Department Plans numbered SD4435 and SD4672 and upon Surveys Department Deed Plans numbered DP174/66, DP/175/66 and DP/73/70.

(b) ALL THAT piece of land commencing at a point on the Liwonde-Balaka road some two miles from the west bank of the Shire River, thence in a straight line in a northerly direction for 500 feet; thence by a line parallel to the main Liwonde-Balaka road in a south-easterly direction for approximately 4,000 feet to where it meets a small unnamed stream; thence by the said unnamed stream downstream in an easterly direction to its confluence with the Shire River; thence by the west bank of the Shire River in a northerly direction for approximately two miles to a point opposite its confluence with the Likwenu Stream; thence across the Shire River and by the Likwenu Stream upstream for approximately three miles to where it meets the Liwonde-Nacala railway; thence by the Liwonde-Nacala railway in a westerly direction for approximately 3,000 feet; thence in a straight line in a south-westerly direction for approximately 11,700 feet to the most southerly corner of the old Liwonde Estate shown on Surveys Department Plan No. SD/356; thence by the southern boundary of the said estate in a westerly direction to the Shire River; thence across the Shire River and by its west bank in a northerly direction for approximately 2,000 feet to its confluence with an unnamed stream; thence by the said unnamed stream upstream for approximately 4,000 feet; thence by a straight line in a north-easterly direction for approximately 8,000 feet to a point 500 feet from the centre of the main Liwonde-Balaka road on its south side; thence by a line parallel to the main Liwonde-Balaka road in a northwesterly direction for approximately 6,400 feet; thence by a straight line in a northerly direction for 500 feet to the point of commencement.

(c) ALL THAT piece or parcel of land situate at South Lunzu in the Blantyre District known as the South Lunzu Traditional Housing Area and consisting of the area surveyed as Lunzu South-Ntawira Block, Lot 1 Ntawira Estate, Lot 2 Ntawira Estate, Lot 3 Ntawira Estate, Lot 4 Ntawira Estate, Remainder of Ntawira Estate, and Sandford Estate which are shown upon Survey Departments Plans numbered SD/1956 and SD/5124.

PUBLIC HEALTH (CONDENSED MILK) RULES
deemed to be made under s.109

[made under s. 74 of the Public Health Ordinance, 1932, No. 5 of 1932 (now repealed)]
G.N. 47/1940
201/1954(F)
224/1963
166/1967

1. Citation

These Rules may be cited as the Public Health (Condensed Milk) Rules.

2. Interpretation

In these Rules unless the context otherwise requires—

"condensed milk" means milk, or skimmed milk which has been concentrated by the removal of part of its water, with or without the addition of sugar, and includes the article commonly known as "evaporated milk" but does not include the article commonly known as "dried milk" or "milk powder";

"skimmed milk" includes separated or machine skimmed milk;

"net weight" means the weight of the contents exclusive of the tin or other receptacle;

"owner" in respect of goods includes any person being, or holding himself out to be, the owner, importer, exporter, consignee, agent or person in possession of or beneficially interested in, or having any control of, or power of disposition over, the goods;

"percentage" means percentage calculated by weight.

3. Conditions on disposal of condensed milk

No person shall sell or expose for sale or deposit in any place for the purpose of sale, or despatch or deliver to any purchaser, broker or agent any condensed milk intended for human consumption unless the condensed milk—

(a) is contained in a tin or other receptacle which is labelled in the manner prescribed in and complies with all the conditions laid down in the First Schedule; and

(b) contains not less than the appropriate percentage of fat and milk solids as specied in the Second Schedule:Provided that—

(i) this rule shall not apply in any case where the condensed milk is contained in a tin or other receptacle whose net weight exceeds fifteen pounds;

(ii) in any refreshment room, restaurant room or other place in which food or drink is sold for consumption on the premises, the receptacle containing condensed milk so sold shall not be required to be labelled in the manner prescribed by these Rules;

(iii) this rule shall not apply in any case where condensed milk is imported for re-exportation and remains under control of public officers responsible for Customs and Excise until exported from Malawi to any other place.

4. Analysis of sample

Any medical officer, health inspector, police officer of the rank of sub-inspector or above or any other person authorized by the medical officer or by a local authority in writing may procure any sample of condensed milk, and, where an analysis is required for the purpose of these Rules, shall submit the sample to the officer for the time being exercising the duties of

Pathologist of the Ministry of Health and shall forthwith notify to the seller or his agent selling the condensed milk his intention of having the same analysed by the Pathologist of the Ministry of Health.

5. Taking of samples

Any medical officer, health inspector or police officer of the rank of sub-inspector or above and any other person authorized by the medical officer or by a local authority in writing may when exercising the powers of entry on to land or into premises conferred by section 131 of the Act, take samples of any article used or capable of being used in the preparation of condensed milk and of any labels designed to be used for affixing to tins or other receptacles of condensed milk.

6. Importation

No person shall import into Malawi condensed milk intended for sale for human consumption unless the same contains not less than the appropriate percentages of milk fat and milk solids as specified in the Second Schedule and is contained in a tin or other receptacle labelled in the manner prescribed in the First Schedule:

Provided that this rule shall not apply in any case—

(a) where the condensed milk is contained in a tin or other receptacle whose net weight exceeds fifteen pounds;

(b) where the condensed milk is imported for re-exportation and remains under control of the public officers responsible for Customs and Excise until exported from Malawi to any other place.

7. Samples of imported milk

A public officer responsible for Customs and Excise may take such samples of consignments of imported condensed milk as may be necessary for the purpose of analysis by the Pathologist of the Ministry of Health.

8. Offences

Any person who is guilty of an offence against, or who acts in contravention of, or who fails to comply with, any of these Rules shall be liable to a penalty of £25 and, in the case of a continuing offence, to a further penalty of £3 for every day during which the offence continues.

9. Limit on application

These Rules shall not apply to supplies of condensed milk which are in Malawi at the time of the coming into operation of these Rules until a period of six months from the date of such coming into operation has elapsed.

FIRST SCHEDULE rr. 3 (a) and 6

REGULATIONS WITH RESPECT TO THE LABELLING OF CONDENSED MILK

1. Every tin or other receptacle containing condensed milk shall bear a label upon which is printed such one of the following declarations as may be applicable—

(I) In the case of full cream milk (unsweetened):

CONDENSED FULL CREAM MILK (UNSWEETENED)

This tin contains the equivalent of (a) Pints of milk.

(II) In the case of full cream milk (sweetened):
CONDENSED FULL CREAM MILK (SWEETENED)
This tin contains the equivalent of (a) Pints of milk, with sugar added.

(III) In the case of skimmed milk (unsweetened):
CONDENSED SKIMMED MILK (UNSWEETENED)
UNSUITABLE AS A SOLE FOOD FOR BABIES
(Vernacular translation)
This tin contains the equivalent of (a) Pints of skimmed milk.

(IV) In the case of skimmed milk (sweetened):
CONDENSED SKIMMED MILK (SWEETENED)
UNSUITABLE AS A SOLE FOOD FOR BABIES
(Vernacular translation)
This tin contains the equivalent of (a) Pints of skimmed milk, with sugar added

2. The declaration shall in each case be completed by inserting at (a) the appropriate number in words and figures, e.g. "one and a half (1 ½)," any fraction being expressed as eighths, quarters or half. For the purposes of these Rules "milk" means milk which contains not less than 12.4 per centum of milk solids (including not less than 3.6 per centum of milk fat) and "skimmed milk" means milk which contains not less than 9 per centum of milk solids other than milk fats.

3.(a) in the case of full cream condensed milk the prescribed declaration shall be printed in dark block type upon a light coloured ground.

(b) In the case of condensed skimmed milk the prescribed declaration shall be printed in white block type upon a black ground.

(c) There shall be a surrounding line enclosing the declaration and in the cases in which the words "unsuitable as a sole food for babies" and the vernacular translation are required to be used there shall be another such line enclosing these words.

(d) The distance between any part of the words "unsuitable as a sole food for babies" and the vernacular translation and the surrounding line enclosing these words shall not be less than one sixteenth of an inch.

(e) No matter other than that hereinbefore prescribed shall be printed within either surrounding line.

(f) The type used for the declaration shall not in any part be less than one-eighth of an inch in height (or if the net weight of the contents of the tin or other receptacle does not exceed twelve ounces, one-sixteenth of an inch in height) and the type used for the words "unsuitable as a sole food for babies" and the vernacular translation shall not be less than three-sixteenths of an inch in height (or if the net contents do not exceed two and three-quarter ounces, one-eighth of an inch in height.)

(g) In cases in which the words "unsuitable as a sole food for babies" and the vernacular translation are required to be used the entire panel in which the prescribed declaration is enclosed shall present an all-black background with the declaration in white block type and the surrounding lines in white; no colour nor shading medium shall appear on the panel and no decorative border round the panel of any kind or description shall be allowed.

4. The label shall in addition bear the name and address of the manufacturer of the condensed milk or of the dealer, merchant or importer in the territory for whom it is manufactured.

5. The label shall be securely affixed to the tin or other receptacle so as to be clearly visible. If there is attached to the tin or other receptacle a label bearing the name, trademark or design representing the brand of the condensed milk, the prescribed declaration shall be printed as part of such label.

6. The label shall in addition bear the net weight of the contents of the tin or other receptacle. The type to be used shall not in any part be less than one-eighth of an inch in height:

Provided that when the net weight of the contents of the tin or other receptacle does not exceed twelve ounces, the type shall be not less than one-sixteenth of an inch in height.

7. Wherever the word "milk" appears on the label of a tin or other receptacle of condensed skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word "skimmed."

8. There shall not be placed on any tin or other receptacle containing condensed milk—

(a) any comment on, explanation of, or reference to either the statement of equivalence contained in the prescribed declaration or the words "skimmed" or "unsuitable as a sole food for babies" and the vernacular translation; or

(b) any instruction as to dilution, unless either—

(i) the fluid produced in accordance with such instructions would contain not less milk fat and not less milk solids than milk or skimmed milk as defined in paragraph 2 of this Schedule as the case may require; or

(ii) such instructions clearly specify that the fluid produced is not of equivalent composition to milk or skimmed milk as the case may be.

9. Where a tin or other receptacle containing condensed skimmed milk is required under these Rules to be labelled, no person shall expose or offer for sale or sell such a tin or receptacle in a paper or other wrapper unless such wrapper has printed on the outside thereof the words "unsuitable as a sole food for babies" and (here insert vernacular translation), such words being contained within a surrounding line. The type used for the words shall not be less than three-

sixteenths of an inch in height (or if the net contents do not exceed two and three-quarter ounces, one-eighth of an inch in height) and the printing and colouring shall otherwise conform with the Rules prescribed for the printing and colouring of the same matter on the label affixed to the tin or other receptacle.

SECOND SCHEDULE rr. 3 (b) and 6

All condensed milk shall contain not less than the appropriate percentages of milk fat and milk solids as specified in the following table.

	Description of Milk	Percentage of milk fat	Percentage of all milk solids including fat
1.	Full cream, unsweetened	9	31
2.	Full cream, sweetened	9	31
3.	Skimmed, unsweetened	-	20
4.	Skimmed, sweetened	-	26

PUBLIC HEALTH (CONSTRUCTION OF TRADING STORES) RULES

deemed to be made under s. 109

[made under s. 74 of the Public Health Ordinance, 1932, No. 5 of 1932 (now repealed)]

G.N. 43/1946

1. Citation and application

These Rules may be cited as the Public Health (Construction of Trading Stores) Rules, and shall apply to all areas other than Municipalities and Townships.

2. Interpretation

In these Rules—

"store" means any building used wholly or in part as a trading store or for the storage of foodstuffs in connexion therewith;

"plot" means a piece of land on which one of the buildings is a store.

3. Size of plot

No store shall be erected on a plot which is less than ¼ of an acre in area without the permission of the local authority.

4. Building permit

No person shall erect any building on a trading plot until he has obtained from the local authority a building permit.

5. Form of application for a building permit

Every application for a building permit shall be accompanied by a plan of the building which it is proposed to erect together with a specification giving the following particulars—

(a) depth of foundations and width of footings;

(b) thickness of walls;

(c) materials to be used in the construction of walls and roofs;

(d) provision made for natural lighting, ventilation and drainage of storm water;

(e) provision made for an ant-proof course;

(f) the general layout of the building and other buildings (if any) on the plot.

6. Walls and foundations

(1) The walls of a store shall be of such width as will satisfy the local authority, but if built of brickwork an external wall shall in no case be less than 14 inches thick or an internal or party wall be less than 9 inches thick.

(2) No foundation shall be less than the following dimensions—

		Width	Depth
(a)	in the case of a 9 inch wall	1’ 2"	1’ 6"
(b)	in the case of a 14 inch wall	2’ 0"	2’ 0"

(3) The above dimensions shall apply in the case of single storey stores; in the case of stores comprising more than one storey the dimensions shall be such as will satisfy the local authority.

7. Construction of walls

The walls of a store shall be made of burned brick, stone, or other hard and incombustible material, and shall be maintained properly plastered or otherwise free from cracks or crevices.

8. Height of walls

Every room in a store which is used for the purpose of trading or storing foodstuffs shall over its entire area, be of a mean average height of at least 9 feet from the floor to the underside of the ceiling or roof, and no part thereof (other than a part not exceeding in all 15 per centum of the whole in extent) shall be less than 7 feet 6 inches in height from the floors to the underside of the ceiling or roof.

9. Floors

Floors may be of concrete or cement plaster laid on brick or stone. If cement plaster is used it shall not be less than 3/4 inch thick, nor of a weaker mixture than four parts clean sand to one part cement.

10. Ant-proof course

Every store shall be provided with an effective ant-proof course to the satisfaction of the local authority. The ant-proof course shall be laid at least 12 inches above ground level.

11. Roofing

The roofing of every store shall be of corrugated iron, tiles, slate or other material approved by the local authority. Thatch shall not be used except as a covering for corrugated iron. If the roof is of corrugated iron a sun-proof cover shall be provided either above or below the corrugated iron.

12. Size of room used for trading

No room in a store used for the purposes of trading shall be of less than 18 feet by 12 feet in area, except with the consent of the local authority.

13. Windows

The window area in any room in a store shall be at least 10 per centum of the floor.

14. Ventilation

In every room in a store in which no fireplace is installed there shall be provided an opening for permanent ventilation, the area of which shall not be less than 1 per centum of the floor space with a minimum of 1 square foot.

15. Ratproofing

Any room in a store which is used wholly or in part for the storage of foodstuffs intended for sale to the public shall be effectively ratoroofed.

16. Storm water

Provision shall be made for the disposal of storm water and sullage so that no nuisance shall arise.

17. Dwellinghouse

No dwelling-house on a plot shall form part of the same building as a store unless such building consists of two storeys or more.

18. Living quarters

No part of a store which is used for the purpose of trading or for the storage of goods shall be used as a living room.

19. Whitewashing

To ensure cleanliness, the interior walls of every room in a store which is used for the purpose of trading shall be whitewashed at least once in every quarter.

20. Area of plot which may be built on

Not more than 50 per centum of the area of a plot may be built on:

Provided that where one of the buildings is of or exceeds two storeys, the local authority may permit up to 60 per centum of the area to be built on.

21. Space between walls and boundary of plot

A clear space at least 5 feet wide shall be left between the boundary of a plot and the walls of every building thereon.

22. Buildings constructed of grass, etc.

No building constructed wholly or in part of grass, reeds or similar material shall be erected on a plot.

23. Alteration or reconstruction of buildings

No reconstruction or alteration of or addition to any building on a plot shall be made without the consent in writing of the local authority who shall, so far as is possible in the circumstances of each case, apply these Rules to such building.

24. Latrines

Adequate latrine accommodation shall be provided for all persons who live or are employed in any building on a plot.

25. Position of pit latrines

(1) No pit latrine shall be sited on any plot unless it is at least 20 feet from the nearest kitchen or inhabited building and at least 5 feet from the boundary of the plot.

(2) No pit latrine shall be sited within 100 feet of any well, spring, stream or other source of natural water supply.

26. Depth of pit latrines

No pit latrine shall be brought into use until it has been excavated to a minimum depth of 15 feet and no latrine shall be maintained in use on a plot after the level of the contents has risen to 3 feet from ground level.

27. Construction of pit latrine

The platform of a pit latrine shall be constructed of impervious materials and the aperture to the pit shall be provided with a properly fitting cover. The walls of the superstructure shall be of not less than 6 feet to the wall plate and the buildings shall be provided with adequate permanent ventilation.

28. Earth-closets

In the case of earth-closets—

(a) the door through which the receptacle for excreta is removed shall be of iron;

(b) the receptacle shall be water-tight and of non-absorbent material;

(c) a suitable container for dry earth shall be provided;

(d) the floor shall be of impervious material.

29. Servants' quarters

Where quarters are provided on a plot for staff or servants employed thereon, no room therein shall have an area of less than 120 square feet. The mean height of the walls shall not be less than 7 feet 6 inches. In respect of lighting, ventilation and materials used in construction such quarters shall conform with the provisions of these Rules relating to the construction of stores.

30. When servants' quarters must be provided

All staff and servants employed on a plot shall be provided with suitable quarters unless it is established to the satisfaction of the local authority that they have homes in the neighbourhood of their place of employment to which they are in the practice of returning at night.

31. Servants' Kitchens

Where staff or servants are accommodated in quarters on a plot they shall also be provided with adequate kitchen accommodation.

32. Temporary trading stores

Notwithstanding anything contained in these Rules it shall be lawful for the local authority to grant to any person permission to erect and use a trading store constructed of temporary materials outside an established trading centre, on such conditions as to location and otherwise as the local authority may in writing specify:

Provided that no trading store erected under this rule shall be used for a period in excess of four years from the date of erection.

AUTHORIZATION OF CEMETERIES

under ss. 113 and 114

BLANTYRE CEMETERIES G.N. 206/1951

The following cemeteries have been authorized under section 114 of the Act for the City of Blantyre—

(a) the European Cemetery, Church of Central Africa Presbyterian;

(b) the African Cemetery, Church of Central Africa Presbyterian;

(c) the Catholic Cemetery, Montfort Marist Mission;

(d) the Moslem Cemetery, Napere;

(e) the European Public Cemetery.

EUROPEAN PUBLIC CEMETERY, BLANTYRE G.N. 207/1951

The place described in the Schedule hereto has been selected and appointed, under section 113 of the Act, to be the site of a cemetery to be known as the European Public Cemetery, Blantyre, and shall be deemed an authorized cemetery under section 114 of the Act

SCHEDULE

DESCRIPTION OF THE BOUNDARIES OF THE EUROPEAN PUBLIC CEMETERY, BLANTYRE

ALL THAT piece of land containing an area of 2 ½ acres approximately the boundaries whereof are as follows:

Commencing at a beacon situate 17 ½ feet from the north-western boundary of the existing European Cemetery of the Church of Central Africa Presbyterian in Blantyre as measured at right angles thereto the boundary runs by a straight line in a south-westerly direction for a distance of 325 ½ feet parallel to and 17 ½; feet distant from the said north-western boundary of the said cemetery to a beacon demarcating the southern corner of the said piece of land; thence by a straight line at right angles and in a north-westerly direction for a distance of 400 feet; thence by a straight line in an easterly direction for a distance of 350 feet; thence by a straight line in a south-easterly direction for a distance of 270 feet to the beacon being the point of commencement.

AFRICAN PUBLIC CEMETERY, BLANTYRE G.N. 93/1953, 262/1971

The place described in the Schedule was selected and appointed, under section 113 of the Act, to be the site of a cemetery to be known as the African Public Cemetery, Blantyre, and deemed to be an authorized cemetery under section 114 of the Act. The same was, however, closed under section 118 of the Act with effect from the 1st of December, 1971 (see G.N. 282/1971).

SCHEDULE

DESCRIPTION OF THE BOUNDARIES OF THE AFRICAN PUBLIC CEMETERY, BLANTYRE

ALL THAT piece or parcel of land containing an area of 3.960 acres or thereabouts situate in the Nyambadwe Ward area of the City of Blantyre, the boundaries whereof as

demarcated by Survey beacons are more particularly described and delineated on Survey Department Deed Plan No. 86/71.

EUROPEAN PUBLIC CEMETERY, LIMBE G.N. 174/1956

The place described in the Schedule has been selected and appointed, under section 113 of the Act, to be the site of a cemetery to be known as the European Public Cemetery, Limbe, and shall be deemed an authorized cemetery under section 114 of the Act.

SCHEDULE

ALL THAT plot of land comprising three acres or thereabouts near Limbe having a frontage of 400 feet on the Thyolo Road and a depth of 326.70 feet measured from the frontage line which is 25 feet from the centre of the road; the south-eastern beacon of the plot is distant 52 feet to the south from a culvert which passes under the road at one mile and thirteen chains approximately from Limbe, all as delineated on the plan annexed to an Indenture made the 10th day of January, 1928, between The Imperial Tobacco Company (of Great Britain and Ireland) Limited of the one part and The Limbe Town Council of the other part; which block of land forms part of a larger block of land vested in the Company in virtue of an Indenture dated the 10th day of February, 1913 and made between Grace Bisset Lindsay formerly of Limbe of the one part and the Company of the other part (Registered No. 2415).

EUROPEAN PUBLIC CEMETERY, LILONGWE G.N. 118/1952

The place described in the Schedule has been selected and appointed, under section 113 of the Act, to be the site of a cemetery to be known as the European Public Cemetery, Lilongwe, and shall be deemed an authorized cemetery under section 114 of the Act.

SCHEDULE

DESCRIPTION OF THE BOUNDARIES OF THE EUROPEAN PUBLIC CEMETERY, LILONGWE

ALL THAT piece of land containing an area of 2.25 acres known as Plots Nos. 8A and 8B situate in the European Residential Area of the Lilongwe Township the boundaries whereof are as follows:

Commencing at a beacon which is also the north corner beacon of Plot No. 8 the boundary runs on a bearing of 46° 00’ 00” for a distance of 389.6 feet to a beacon demarcating the northern corner of the said piece or parcel of land; thence on a bearing of 134° 24’ 50” for a distance of 239.5 feet to a beacon demarcating the eastern corner of the said piece or parcel of land; thence on a bearing of 223° 42’ 50” for a distance of 403.1 feet to a beacon demarcating the southern corner of the said piece or parcel of land; thence on a bearing of 136° 30’ 00” for a distance of 239 feet to the said beacon demarcating the western corner of the said piece or parcel of land being the point of commencement.

MAHOMEDAN CEMETERY, ZOMBA G.N. 195/1953

The place described in the Schedule has been selected and appointed, under section 113 of the Act, to be the site of a cemetery to be known as the Mahomedan Cemetery, Zomba, and shall be deemed an authorized cemetery under section 114 of the Act.

SCHEDULE

DESCRIPTION OF THE BOUNDARIES OF THE MAHOMEDAN CEMETERY, ZOMBA

ALL THAT piece or parcel of land containing an area of 1.69 acres the boundaries whereof are as follows:

Commencing at a beacon being the most southerly corner beacon of the parcel of land known as Plot No. 33 in Zomba Township and distant 25 feet from the north-eastern edge of the road leading from the Blantyre-Zomba main road to the Abattoir and distant 104.3 feet on a bearing of 147° 30' from the centre line of the said main road the boundary runs on a bearing of 147° 30" for a distance of 231.9 feet to a beacon demarcating the most southerly corner of the said cemetery which said beacon is distant 58.6 feet on a bearing of 272° 10' from the north-eastern corner beacon of the plot occupied by The Bata Shoe Company Limited; thence on a bearing of 59° 17' for a distance of 306.2 feet to a beacon demarcating the most easterly corner of the said cemetery; thence on a bearing of 334° 50' for a distance of 231.6 feet to a beacon demarcating the most northerly corner of the said cemetery; thence on a bearing of 239° 31' for a distance of 332.5 feet to the beacon demarcating the most westerly corner of the said cemetery being the point of commencement.

THE CHURCH OF SAINT PAUL, BLANTYRE (BISHOP MACKENZIE) CEMETERY G.N. 147/1961

The Church of Saint Paul, Blantyre, within the boundary of Plot No. 324 has been selected and appointed, under section 113 of the Act, to be used as a cemetery for the purpose of re-interring the remains of Bishop F. Charles Mackenzie and the said church shall be deemed to be authorized, under section 114 of the Act, for such purpose only.

CHITAWILA PUBLIC CEMETERY, BLANTYRE G.N. 99/1969

The place described in the Schedule hereto has been selected and appointed, under sections 113 and 114 of the Act, to be the site of a cemetery to be known as the Chitawila Public Cemetery, Blantyre, and shall be deemed an authorized cemetery under section 114 of the Act.

SCHEDULE

ALL the piece or parcel of land containing an area of 3.21 (three decimal point two one) acres or thereabouts situate in the Naperi Ward of the Soche Area of the City of Blantyre the boundaries whereof as demarcated by survey beacons are more particularly described and delineated on Survey Department Deed Plan No. 64/62.

BANGWE PUBLIC CEMETERY G.N. 121/1973

The place described in the Schedule has been selected and appointed, under section 113 of the Act, to be the site of a cemetery to be known as the Bangwe Public Cemetery and shall be deemed an authorized cemetery under section 114 of the Act.

SCHEDULE

FIRST ALL THAT piece or parcel of land containing an area of one decimal point two two nought (1.220) acres or thereabouts situate at Blantyre the boundaries whereof are more particularly described and delineated on Survey Department Deed Plan No. 293/72 and are thereon edged with red colour.

SECONDLY ALL THAT piece or parcel of land containing an area of two decimal point seven nought two (2.702) acres or thereabouts situate at Blantyre the boundaries whereof are more particularly described and delineated on Survey Department Deed Plan No. 406/71 and are thereon edged with red colour.

AREA 30 PUBLIC CEMETERY, CITY OF LILONGWE G.N. 141/1975

The place described in the Schedule has been selected and appointed, under section 113 of the Act, to be the site of a cemetery to be known as the Area 30 Public Cemetery, City of Lilongwe and shall be deemed an authorized cemetery under section 114 of the Act.

SCHEDULE

ALL THAT piece of land known as Plot No. 1 containing an area of 17.940 hectares or thereabouts, situate in Area 30 of the City of Lilongwe, the boundaries whereof as demarcated by Survey beacons are more particularly described and delineated on Survey Department Deed Plan No. 328/1974.

POOR CLARES PRIVATE CEMETERY, LILONGWE G.N. 40/1977

The place described in the Schedule has been selected and appointed under section 113 of the Act, to be the site of a cemetery to be known as the Poor Clares Private Cemetery, Lilongwe and shall be deemed an authorized cemetery under section 114 of the Act.

SCHEDULE

POOR CLARES PRIVATE CEMETERY, LILONGWE

ALL THAT piece of land containing an area of 2,280 sq. feet or thereabouts within plot No. 4001, situated in area 7 of the City of Lilongwe, the boundaries whereof as demarcated by Survey beacons are more particularly described and delineated on Deed No. 26657/1961.

SAINT MARY'S CEMETERY, ZOMBA G.N. 137/1977

The place described in the Schedule has been selected and appointed under section 113 of the Act, to be the site of a cemetery to be known as the Saint Mary's Cemetery, Zomba and shall be deemed an authorized cemetery under section 114 of the Act.

SCHEDULE

SAINT MARY'S CEMETERY, ZOMBA

ALL THAT piece of land containing an area of six decimal point one seven nine (6.179) hectares or thereabouts situate at and known as Plot No. 360, Zomba Township in the Zomba District, the boundaries whereof as demarcated by survey beacons are more particularly described and delineated on Survey Department Deed Plan No. 31/75 for a public cemetery.

QUEEN ELIZABETH CENTRAL HOSPITAL ADVISORY COMMITTEE RULES
under s. 143
G.N. 11/1966
110/1967
64/1972

1. Citation

These Rules may be cited as the Queen Elizabeth Central Hospital Advisory Committee Rules.

2. Interpretation

In these Rules, unless inconsistent with the context—

"Central Hospital" means the Queen Elizabeth Central Hospital;

"the Advisory Committee" and "Committee" mean the Central Hospital Advisory Committee;

"Senior Medical Superintendent" means the Senior Medical Superintendent for the time being in charge of the Central Hospital.

ESTABLISHMENT AND MEMBERSHIP OF ADVISORY COMMITTEE

3. Establishment

The Minister hereby establishes an Advisory Committee for the Queen Elizabeth Central Hospital.

4. Membership

(1) The Committee shall consist of 9 members who shall be appointed as follows—

5 members who shall be appointed by the Minister;

2 members who shall be appointed by the City Council;

1 member who shall be appointed by the Malawi Medical Association;

1 member who shall represent the Social Welfare Department of the Ministry of Community Development and Social Welfare, appointed by the Minister of Community Development and Social Welfare after consultation with the Minister of Health.

(2) Where any of the above bodies shall fail to appoint its member or members within 30 days from the date on which it was requested to do so, the Minister may proceed to make the appointment, without any such nomination, of any person he deems suitable.

5. Term of office

(1) A member of the Advisory Committee shall hold office for two years only, provided that, at the end of the first year of the existence of the Advisory Committee, one half of its members, as determined by lot, shall retire and be replaced in the manner described in rule 4.

(2) Any retiring member may be re-appointed with the approval of the Minister.

6. Resignation, termination and replacement of officers

(1) If any member of the Advisory Committee fails to attend two consecutive meetings without leave of absence (which may be granted by the Committee for up to seven months) the Minister may cancel the appointment of that member.

(2) Any member of the Advisory Committee may at any time tender his resignation to the Minister.

(3) Where an appointment is cancelled, or a resignation accepted by the Minister in accordance with subrules (1) and (2), the Minister may either permit the replacement of the Member concerned in accordance with rule 4 (1), or proceed to nominate a replacement in accordance with rule 4 (2), as he deems appropriate, for the remainder of the unexpired term of office.

PROCEDURE FOR MEETINGS OF THE ADVISORY COMMITTEE

7. Time of meetings

The first meeting of the Advisory Committee shall be held not later than one month from the appointment of its members; thereafter it shall meet not less than once in every two months.

8. Quorum

The quorum necessary for the transaction of business at any meeting will be four Members.

9. Election of Chairman and Vice-Chairman

At its first meeting in any year, the Advisory Committee shall elect a Chairman and Vice-Chairman from amongst its members. In the absence of either, the remaining members shall appoint one of their number to preside.

10. Special meetings

The Chairman, or any three members of the Advisory Committee or the Senior Medical Superintendent may call a special meeting at any time, at which business will be confined to the item or items on account of which the meeting has been convened.

11. Appointment and duties of Secretary

The Minister shall appoint a Secretary to the Advisory Committee from Central Hospital administrative staff. The appointed Secretary shall keep a record of the attendance of members and of the Minutes of each meeting and shall transmit a copy of this record to the Senior Medical Superintendent and to the Minister of Health as soon as possible after each meeting.

12. Persons to participate in meetings

The Senior Medical Superintendent or an officer appointed by him in writing shall have the right to be present at each Meeting and shall be entitled to speak but not to vote. The Advisory Committee, with the approval of the Senior Medical Superintendent, shall have the right to call any member of the Hospital Staff to its meetings to assist the Committee in matters of which he has specialized knowledge.

13. Standing Orders

The Advisory Committee shall consider and approve within six months of its appointment, Standing Orders for the further regulation of its meetings.

DUTIES OF THE ADVISORY COMMITTEE

14. Complaints

It shall be the duty of the Advisory Committee:—

(a) to receive and enquire into complaints of patients or of their relatives or friends as to nursing, diet or treatment of patients and into allegations of misconduct or negligence on the part of the nursing staff;

(b) to make such recommendations as it deems advisable to the Senior Medical Superintendent on the provision and disposition of nursing and serving staff.

15. Investigation of complaints

Every complaint or representation in writing by the complainant or his representative shall be laid before the Advisory Committee and, after investigation, the Committee shall forward to the Senior Medical Superintendent an account of the complaint or representation together with the Committee's findings relating to it. The Senior Medical Superintendent shall inform the Committee as soon as possible of its own conclusions on the complaint or representation and of any action taken by him in regard to it.

16. Visiting Committee

The Advisory Committee may appoint at least two of its members to form a Visiting Committee to the Central Hospital. This Visiting Committee may enter the Central Hospital premises daily between the hours of 10.30 a.m. and 4 p.m. by arrangement with the Senior Medical Superintendent for the purpose of inspecting the conditions under which the Hospital is managed and in order to ascertain whether complaints made by or on behalf of patients are Justified.

17. Recommendations on diet and equipment

The Advisory Committee shall recommend to the Senior Medical Superintendent such alterations or additions to the scale of diets and the provision of domestic equipment as it may deem necessary.

18. Expenditures

No expenditure shall be incurred, nor any action taken which may involve expenditure, without the approval of the Minister.

19. Benefits

The Advisory Committee shall inform the Minister of any benefit donated, bequeathed, offered or promised to the Committee for the use of the Central Hospital. Such benefits can only be accepted by the Advisory Committee with the approval of the Minister and must be employed in a manner agreed by him.

20. Influence or interference

The Advisory Committee shall in no way attempt to influence or to interfere with the medical treatment of patients nor shall it concern itself with the appointment, promotion, transfer or dismissal of hospital staff.

21. Control by Senior Medical Superintendent

Nothing in these Rules relating to the duties of the Advisory Committee shall restrict the right of the Senior Medical Superintendent to exercise such control as is normally permitted him over persons enjoying the privilege of access to the Central Hospital as either visitors or patients.

GENERAL

22. Submission of sketch-plans

The Senior Medical Superintendent shall submit to the Advisory Committee the sketch-plans which he has received from the Secretary for Health of any proposed new hospital building or of any proposed extensions or alterations to existing hospital buildings before the final plans are prepared.

23. Return of plans by Advisory Committee

The Advisory Committee shall return the plans to the Senior Medical Superintendent as soon as possible with such comments or recommendations as it may wish to make. The Senior Medical Superintendent will thereafter keep the Committee informed of any action taken either in accordance with or contrary to the Committee's wishes.

ZOMBA GENERAL HOSPITAL ADVISORY COMMITTEE RULES

under s. 143

G.N. 240/1967

PART I—PRELIMINARY

1. Citation

These Rules may be cited as the Zomba General Hospital Advisory Committee Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"Committee" means the Advisory Committee for the Zomba General Hospital established under these Rules;

"Hospital" means the Zomba General Hospital;

"Medical Superintendent" means the Medical Superintendent for the time being in charge of the Hospital;

"member" means member of the Committee.

PART II—ESTABLISHMENT OF ADVISORY COMMITTEE

3. Establishment of Committee

The Minister hereby establishes an Advisory Committee for the Zomba General Hospital.

4. Appointment of members

(1) The Committee shall consist of six members who shall be appointed as follows—

three members shall be appointed by the Minister;

two members shall be appointed by the Town Council of Zomba;

one member shall be appointed by the Malawi Medical Association.

(2) Where either the Zomba Town Council or the Malawi Medical Association shall fail to appoint its member or members within 30 days from the date on which it is requested by the

Minister to do so, the Minister may proceed to make the appointment, without any such nomination, of any person he deems suitable.

5. Tenure of office

(1) A member shall hold office for two years only, provided that, at the end of the first year of the existence of the Committee one half of its members, as determined by lot, shall retire and be replaced in the manner described in rule 4.

(2) Any retiring member may be re-appointed with the approval of the Minister.

6. Termination of appointment and resignation

(1) If any member fails to attend two consecutive meetings without leave of absence (which may be granted by the Committee for up to seven months) the Minister may terminate the appointment of that member.

(2) Any member may at any time tender his resignation to the Minister.

(3) Where an appointment is terminated, or a resignation tendered to the Minister in accordance with subrules (1) and (2), the Minister may either permit the replacement of the member concerned in accordance with rule 4 (1) or proceed to nominate a replacement in accordance with rule 4 (2), as he deems appropriate, for the remainder of the unexpired term of office.

PART III—PROCEDURE OF THE ADVISORY COMMITTEE

7. Times of meetings

The first meeting of the Committee shall be held not later than one month from the first appointment of its members; thereafter it shall meet not less than once in every two months.

8. Quorum

The quorum necessary for the transaction of business of the Committee at any meeting will be four members.

9. Election of Chairman and Vice-Chairman

At its first meeting in any year, the Committee shall elect a Chairman and a Vice-Chairman from amongst its members. In the absence of both, the remaining members shall appoint one of their number to preside.

10. Special meetings

The Chairman or any three members of the Committee or the Medical Superintendent may call a special meeting at any time, at which business will be confined to the item or items on account of which the meeting has been called.

11. Appointment and duties of secretary

The Minister shall appoint a secretary to the Committee from General Hospital Administrative staff. The appointed secretary shall keep a record of the attendance of members and of the minutes of each meeting and shall transmit a copy of this record to the Medical Superintendent and to the Minister as soon as possible after each meeting.

12. Attendance of Medical Superintendent and Hospital staff at meetings

The Medical Superintendent or an officer appointed by him in writing shall have the right to be present at each meeting and shall be entitled to speak but not to vote. The Committee, with

the approval of the Medical Superintendent, shall have the right to call any member of the Hospital staff to its meetings to assist the Committee in matters of which he has specialized knowledge.

13. Standing Orders for meetings

The Committee shall consider and approve within six months of its appointment, Standing Orders for the further regulation of its meetings.

PART IV—DUTIES OF THE ADVISORY COMMITTEE

14. Investigation of complaints and recommendations

It shall be the duty of the Committee—

(a) to receive and enquire into complaints of patients or of their relatives or friends as to nursing, diet or treatment of patients and into allegations of misconduct or negligence on the part of the nursing staff;

(b) to make such recommendations as it deems advisable to the Medical Superintendent on the provision and disposition of nursing and serving staff.

15. Procedure relating to complaints and representations

Every complaint or representation by any person or persons shall be laid before the Committee in writing and, after investigation, the Committee shall forward to the Medical Superintendent an account of the complaint or representation together with the Committee's findings relating to it. The Medical Superintendent shall inform the Committee as soon as possible of his own conclusions on the complaint or representation and of any action taken by him in regard to it.

16. Visiting Committee

The Committee may appoint at least two of its members to form a Visiting Committee to visit the Hospital premises daily between the hours of 10.30 a.m. and 4 p.m. by arrangement with the Medical Superintendent for the purpose of inspecting the conditions under which the Hospital is managed and in order to ascertain whether complaints made by or on behalf of patients are justified.

17. Recommending alterations to diets etc.

The Committee shall recommend to the Medical Superintendent such alterations or additions to the scale of diets and provision of domestic equipment as it may deem necessary.

18. Approval for expenditure

No expenditure shall be incurred, or any action taken which may involve expenditure, without the approval of the Minister.

19. Benefits to be approved by Minister

The Committee shall inform the Minister of any benefit donated, bequeathed, offered or promised to the Committee for the use of the Hospital. Such benefits can only be accepted by the Committee with the approval of the Minister and must be employed in a manner agreed by him.

20. No interference with treatment or staff

The Committee shall in no way attempt to influence or to interfere with the medical treatment of patients nor shall it concern itself with the appointment, promotion, transfer or dismissal of the staff of the Hospital.

21. Control by Medical Superintendent

Nothing in these Rules relating to the duties of the Committee shall restrict the right of the Medical Superintendent to exercise such control as is normally permitted over persons enjoying the privilege of access to the General Hospital as either visitors or patients.

PART V—GENERAL

22. Duty of Medical Superintendent to submit sketch-plans

The Medical Superintendent shall submit to the Committee the sketch-plans which he has received from the Permanent Secretary for the Ministry of Health of any proposed new buildings or of any proposed extensions or alterations to existing buildings of the Hospital before the final plans are prepared.

23. Comments on sketch-plans by the Committee

The Committee shall return the sketch-plans to the Medical Superintendent as soon as possible with such comments or recommendations as it may wish to make. The Medical Superintendent will thereafter keep the Committee informed of any action taken either in accordance with or contrary to the Committee's wishes.

DOWA DISTRICT HOSPITAL ADVISORY COMMITTEE RULES

under s. 143

G.N. 122/1974

PART I

PRELIMINARY

1. Citation

These Rules may be cited as the Public Health (Dowa District Hospital Advisory Committee) Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"Committee" means the Advisory Committee for the Dowa District Hospital established under rule 3;

"Hospital" means the Dowa District Hospital;

"Medical Officer" means the Medical Officer for the time being in charge of the Hospital;

"member" means member of the Committee.

PART II

ESTABLISHMENT OF ADVISORY COMMITTEE

3. Establishment of Advisory Committee

The Minister hereby establishes an Advisory Committee for the Dowa District Hospital (hereinafter referred to as the "Committee").

4. Appointment of members

(1) The Committee shall consist of six members who shall be appointed as follows—

three members shall be appointed by the Minister;

two members shall be appointed by the Dowa District Council;

one member shall be appointed by the Malawi Medical Association.

(2) Where either the Dowa District Council or the Malawi Medical Association shall fail to appoint its member or members within 30 days from the date on which it is requested by the Minister to do so, the Minister may proceed to make the appointment of any person he deems suitable.

5. Tenure of office

(1) A member shall hold office for two years only, provided that, at the end of the first year of the existence of the Committee, one half of its members, as determined by lot, shall retire and be replaced in the manner described in rule 4 above.

(2) Any retiring member may be re-appointed with the approval of the Minister.

6. Termination of appointment and resignation

(1) If any member fails to attend two consecutive meetings without leave of absence (which may be granted by the Committee for up to seven months) the Minister may terminate the appointment of that member.

(2) Any member may at any time tender his resignation to the Minister.

(3) Where an appointment is terminated, or a resignation tendered to the Minister in accordance with the provisions of paragraphs (1) and (2) of this rule, the Minister may either permit the replacement of the member concerned in accordance with rule 4 (1), or proceed to nominate a replacement in accordance with rule 4 (2), as he deems appropriate, for the remainder of the unexpired term of office.

PART III

PROCEDURE OF THE COMMITTEE

7. Times of meetings

The first meeting of the Committee shall be held not later than one month from the first appointment of its members; thereafter it shall meet not less than once in every two months.

8. Quorum

The quorum necessary for the transaction of business of the Committee at any meeting will be four members.

9. Election of Chairman and Vice-Chairman

At its first meeting in any year, the Committee shall elect a Chairman and a Vice-Chairman from amongst its members. In the absence of either, the remaining members shall appoint one of their number to preside.

10. Special meetings

The Chairman or any three members of the Committee or the Medical Officer may call a special meeting at any time, at which business will be confined to the item or items on account of which the meeting has been called.

11. Appointment and duties of secretary

The Minister shall appoint a secretary to the Committee from District Hospital Administrative staff. The appointed secretary shall keep a record of the attendance of members and of the minutes of each meeting and shall transmit a copy of this record to the Medical Officer and to the Minister as soon as possible after each meeting.

12. Attendance of Medical Officer and Hospital staff at meetings

The Medical Officer or an officer appointed by him in writing shall have the right to be present at each meeting and shall be entitled to speak but not to vote. The Committee, with the approval of the Medical Officer, shall have the right to call any member of the Hospital staff to its meetings to assist the Committee in matters of which he has specialized knowledge.

13. Standing Orders for meetings

The Committee shall consider and approve within six months of its appointment, Standing Orders for the further regulation of its meetings.

PART IV

DUTIES OF THE ADVISORY COMMITTEE

14. Investigation of complaints and recommendations

It shall be the duty of the Committee—

(i) to receive and enquire into complaints of patients or of their relatives or friends as to nursing, diet or treatment of patients and into allegations of misconduct or negligence on the part of the hospital staff;

(ii) to make such recommendations as it deems advisable to the Medical Officer on the provision and disposition of nursing and serving staff.

15. Procedure relating to complaints and representations

Every complaint or representation by any person or persons shall be laid before the Committee in writing and, after investigation, the Committee shall forward to the Medical Officer an account of the complaint or representation together with the Committee's findings relating to it. The Medical Officer shall inform the Committee as soon as possible of his own conclusions on the complaint or representation and of any action taken by him in regard to it.

16. Visiting Committee

The Committee may appoint at least two of its members to form a Visiting Committee to visit the Hospital premises, by arrangement with the Medical Officer, for the purpose of inspecting the conditions under which the Hospital is managed and in order to ascertain whether complaints made by or on behalf of patients are justified.

17. Recommending alterations to diets, etc.

The Committee shall recommend to the Medical Officer such alterations or additions to the scale of diets and provision of domestic equipment as it may deem necessary.

18. Approval for expenditure

No expenditure shall be incurred, or any action taken which may involve expenditure, without the approval of the Minister.

19. Benefits to be approved by Minister

The Committee shall inform the Minister of any benefit donated, bequeathed, offered or promised to the Committee for the use of the Hospital. No such benefit shall be accepted by the Committee save with the prior approval of the Minister. Any benefit received by the Committee in accordance with this regulation shall be applied by it as directed or agreed by the Minister.

20. No interference with treatment or staff

The Committee shall in no way attempt to influence or interfere with the medical treatment of patients nor shall it concern itself with the appointment, promotion, transfer or dismissal of the staff of the Hospital.

21. Control by Medical Officer

Nothing in these Rules relating to the duties of the Committee shall restrict the right of the Medical Officer to exercise such control as is normally permitted over persons enjoying the privilege of access to the District Hospital as either visitors or patients.

PART V

GENERAL

22. Duty of Medical Officer to submit sketch plans

Whenever the Medical Officer receives from the Secretary for Health, any sketch plans of any proposed new building or of any proposed extensions to or alterations of existing buildings, he shall, before the final plans are prepared, submit the said sketch plans to the Committee for its comments and recommendations thereon.

23. Comments on sketch plans by the Committee

The Committee shall return the said sketch plans to the Medical Officer as soon as is practicable, with such comments or recommendations thereon as it may wish to make. Thereafter the Medical Officer will keep the Committee informed on any action taken in respect of such plans, whether in accordance or otherwise with the Committee's comments or recommendations.

KASUNGU DISTRICT HOSPITAL ADVISORY COMMITTEE RULES

under s. 143

G.N. 103/1973

PART I

PRELIMINARY

1 Citation

These Rules may be cited as the Kasungu District Hospital Advisory Committee Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"Committee" means the Advisory Committee for the Kasungu District Hospital established under rule 3;

"Hospital" means the Kasungu District Hospital;

"Medical Officer" means the Medical Officer for the time being in charge of the Hospital;

"Member" means member of the Committee.

PART II

ESTABLISHMENT AND MEMBERSHIP OF ADVISORY COMMITTEE

3 Establishment of Advisory Committee

The Minister hereby establishes an Advisory Committee for the Kasungu District Hospital (hereinafter referred to as the Committee).

4. Appointment of members

(1) The Committee shall consist of six members who shall be appointed as follows—Four members shall be appointed by the Minister; and two members shall be appointed by the Kasungu District Council.

(2) Where the Kasungu District Council shall fail to appoint its member or members within 30 days from the date on which it is requested by the Minister to do so, the Minister may proceed to make the appointment of any person he deems suitable.

5. Tenure of office

(1) A member shall hold office for two years only, provided that, at the end of the first year of the existence of the Committee, one half of its members, as determined by lot, shall retire and be replaced in the manner described in rule 4 above.

(2) Any retiring member may be re-appointed with the approval of the Minister.

6. Termination of appointment and resignation

(1) If any member fails to attend two consecutive meetings without leave of absence (which may be granted by the Committee for up to seven months) the Minister may terminate the appointment of that member.

(2) Any member may, at any time, tender his resignation to the Minister.

(3) Where an appointment is terminated, or a resignation tendered to the Minister in accordance with the provisions of paragraphs (1) and (2) of this rule, the Minister may either permit replacement of the member concerned in accordance with rule 4 (1), or proceed to nominate a replacement in accordance with rule 4 (2), as he deems appropriate, for the remainder of the unexpired term of office.

PART III

PROCEDURE OF THE COMMITTEE

7 Times of meetings

The first meeting of the Committee shall be held not later than one month from the first appointment of its members; thereafter it shall meet not less than once in every two months.

8. Quorum

The quorum necessary for the transaction of business of the Committee at any meeting will be four members.

9. Election of Chairman and Vice-Chairman

At its first meeting in any year, the Committee shall elect a Chairman and a Vice-Chairman from amongst its members. In the absence of either, the remaining members shall appoint one of their number to preside.

10. Special meetings

The Chairman or any three members of the Committee or the Medical Officer may call a special meeting at any time, at which business will be confined to the item or items on account of which the meeting has been called.

11. Appointment and duties of secretary

The Minister shall appoint a secretary to the Committee from District Hospital Administrative staff. The appointed secretary shall keep a record of the attendance of members and of the minutes of each meeting and shall transmit a copy of this record to the Medical Officer and to the Minister as soon as possible after each meeting.

12. Attendance of Medical Officer and Hospital staff at meetings

The Medical Officer or an officer appointed by him in writing shall have the right to be present at each meeting and shall be entitled to speak but not to vote. The Committee, with the approval of the Medical Officer, shall have the right to call any member of the Hospital staff to its meetings to assist the Committee in matters of which he has specialized knowledge.

13. Standing Orders for meetings

The Committee shall consider and approve within six months of its appointment, Standing Orders for the further regulation of its meetings.

PART IV

DUTIES OF THE ADVISORY COMMITTEE

14. Investigation of complaints and recommendations

It shall be the duty of the Committee—

(i) to receive and enquire into complaints of patients or of their relatives or friends as to nursing, diet or treatment of patients and into allegations of misconduct or negligence on the part of the nursing staff.

(ii) to make such recommendations as it deems advisable to the Medical Officer on the provision and disposition of nursing and serving staff.

15. Procedure relating to complaints and representations

Every complaint or representation by any person or persons shall be laid before the Committee in writing and, after investigation, the Committee shall forward to the Medical Officer an account of the complaint or representation together with the Committee's findings relating to it. The Medical officer shall inform the Committee as soon as possible of his own conclusions on the complaint or representation and of any action taken by him in regard to it.

16. Visiting Committee

The Committee may appoint at least two of its members to form a Visiting Committee to visit the Hospital premises daily between the hours 10.30 a.m. and 4 p.m. by arrangement with the Medical Officer for the purpose of inspecting the conditions under which the Hospital is managed and in order to ascertain whether complaints made by or on behalf of patients are justified.

17. Recommending alterations to diets, etc.

The Committee shall recommend to the Medical Officer such alterations or additions to the scale of diets and provision of domestic equipment as it may deem necessary.

18. Approval for expenditure

No expenditure shall be incurred, or any action taken which may involve expenditure, without the approval of the Minister.

19. Benefits to be approved by Minister

The Committee shall inform the Minister of any benefit donated, bequeathed, offered or promised to the Committee for the use of the Hospital. Such benefits can only be accepted by the Committee with the approval of the Minister and must be employed in a manner agreed by him.

20. No interference with treatment or staff

The Committee shall in no way attempt to influence or to interfere with the medical treatment of patients nor shall it concern itself with the appointment, promotion, transfer or dismissal of the staff of the Hospital.

21. Control by Medical Officer

Nothing in these Rules relating to the duties of the Committee shall restrict the right of the Medical Officer to exercise such control as is normally permitted over persons enjoying the privilege of access to the Hospital as either visitors or patients.

PART V

GENERAL

22. Duty of Medical Officer to submit sketch plans

The Medical Officer shall submit to the Committee the sketch plans which he has received from the Permanent Secretary for the Ministry of Health of any proposed new building or of any proposed extensions or alterations to existing buildings of the Hospital before the final plans are prepared.

23. Comments on sketch plans by the Committee

The Committee shall return the plans to the Medical Officer as soon as possible with such comments or recommendations as it may wish to make. The Medical Officer will thereafter keep the Committee informed of any action taken either in accordance with or contrary to the Committee's wishes.

LILONGWE GENERAL HOSPITAL ADVISORY COMMITTEE RULES

under s. 143

G.N. 111/1973

PART I

PRELIMINARY

1. Citation

These Rules may be cited as the Lilongwe General Hospital Advisory Committee Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"Committee" means the Advisory Committee for the Lilongwe General Hospital established under rule 3;

"Hospital" means the Lilongwe General Hospital;

"Medical Superintendent" means the Medical Superintendent for the time being in charge of the Hospital;

"member" means member of the Committee.

PART II

ESTABLISHMENT OF ADVISORY COMMITTEE

3. Establishment of Advisory Committee

The Minister hereby establishes an Advisory Committee for the Lilongwe General Hospital (hereinafter referred to as the Committee).

4. Appointment of members

(1) The Committee shall consist of six members who shall be appointed as follows—

three members shall be appointed by the Minister;

two members shall be appointed by the Lilongwe Municipal Council;

one member shall be appointed by the Malawi Medical Association.

(2) Where either the Lilongwe Municipal Council or the Malawi Medical Association shall fail to appoint its member or members within 30 days from the date on which it is requested by the Minister to do so, the Minister may proceed to make the appointment of any person he deems suitable.

5. Tenure of office

(1) A member shall hold office for two years only, provided that, at the end of the first year of the existence of the Committee, one half of its members, as determined by lot, shall retire and be replaced in the manner described in rule 4 above.

(2) Any retiring member may be re-appointed with the approval of the Minister.

6. Termination of appointment and resignation

(1) If any member fails to attend two consecutive meetings without leave of absence (which may be granted by the Committee for up to seven months) the Minister may terminate the appointment of that member.

(2) Any member may at any time tender his resignation to the Minister.

(3) Where an appointment is terminated, or a resignation tendered to the Minister in accordance with the provisions of paragraphs (1) and (2) of this rule, the Minister may either permit the replacement of the member concerned in accordance with rule 4 (1), or proceed to nominate a replacement in accordance with rule 4 (2), as he deems appropriate, for the remainder of the unexpired term of office.

PART III

PROCEDURE OF THE COMMITTEE

7. Times of meetings

The first meeting of the Committee shall be held not later than one month from the first appointment of its members; thereafter it shall meet not less than once in every two months.

8. Quorum

The quorum necessary for the transaction of business of the Committee at any meeting will be four members.

9. Election of Chairman and Vice-Chairman

At its first meeting in any year, the Committee shall elect a Chairman and a Vice-Chairman from amongst its members. In the absence of either, the remaining members shall appoint one of their number to preside.

10. Special meetings

The Chairman or any three members of the Committee or the Medical Superintendent may call a special meeting at any time, at which business will be confined to the item or items on account of which the meeting has been called.

11. Appointment and duties of secretary

The Minister shall appoint a secretary to the Committee from General Hospital Administrative staff. The appointed secretary shall keep a record of the attendance of members and of the minutes of each meeting and shall transmit a copy of this record to the Medical Superintendent and to the Minister as soon as possible after each meeting.

12. Attendance of Medical Superintendent and Hospital staff at meetings

The Medical Superintendent or an officer appointed by him in writing shall have the right to be present at each meeting and shall be entitled to speak but not to vote. The Committee, with the approval of the Medical Superintendent, shall have the right to call any member of the Hospital staff to its meetings to assist the Committee in matters of which he has specialized knowledge.

13. Standing Orders for meetings

The Committee shall consider and approve within six months of its appointment, Standing Orders for the further regulation of its meetings.

PART IV

DUTIES OF THE ADVISORY COMMITTEE

14. Investigation of complaints and recommendations

It shall be the duty of the Committee—

(i) to receive and enquire into complaints of patients or of their relatives or friends as to nursing, diet or treatment of patients and into allegations of misconduct or negligence on the part of the nursing staff;

(ii) to make such recommendations as it deems advisable to the Medical Superintendent on the provision and disposition of nursing and serving staff.

15. Procedure relating to complaints and representations

Every complaint or representation by any person or persons shall be laid before the Committee in writing and, after investigation, the Committee shall forward to the Medical Superintendent an account of the complaint or representation together with the Committee's findings relating to it. The Medical Superintendent shall inform the Committee as soon as possible of his own conclusions on the complaint or representation and of any action taken by him in regard to it.

16. Visiting Committee

The Committee may appoint at least two of its members to form a Visiting Committee to visit the Hospital premises daily between the hours 10.30 a.m. and 4 p.m. by arrangement with the Medical Superintendent for the purpose of inspecting the conditions under which the Hospital is managed and in order to ascertain whether complaints made by or on behalf of patients are justified.

17. Recommending alterations to diets, etc.

The Committee shall recommend to the Medical Superintendent such alterations or additions to the scale of diets and provision of domestic equipment as it may deem necessary.

18. Approval for expenditure

No expenditure shall be incurred, or any action taken which may involve expenditure, without the approval of the Minister.

19. Benefits to be approved by Minister

The Committee shall inform the Minister of any benefit donated, bequeathed, offered or promised to the Committee for the use of the Hospital. Such benefits can only be accepted by the Committee with the approval of the Minister and must be employed in a manner agreed by him.

20. No interference with treatment or staff

The Committee shall in no way attempt to influence or to interfere with the medical treatment of patients nor shall it concern itself with the appointment, promotion, transfer or dismissal of the staff or the Hospital.

21. Control by Medical Superintendent

Nothing in these Rules relating to the duties of the Committee shall restrict the right of the Medical Superintendent to exercise such control as is normally permitted over persons enjoying the privilege of access to the General Hospital as either visitors or patients.

PART V

GENERAL

22. Duty of Medical Superintendent to submit sketch plans

The Medical Superintendent shall submit to the Committee the sketch plans which he has received from the Permanent Secretary for the Ministry of Health of any proposed new building or of any proposed extensions or alterations to existing buildings of the Hospital before the final plans are prepared.

23. Comments on sketch plans by the Committee

The Committee shall return the plans to the Medical Superintendent as soon as possible with such comments or recommendations as it may wish to make. The Medical Superintendent will thereafter keep the Committee informed of any action taken either in accordance with or contrary to the Committee's wishes.

RUMPHI DISTRICT HOSPITAL ADVISORY COMMITTEE RULES

under s. 143

G.N. 104/1973

PART I

PRELIMINARY

1. Citation

These Rules may be cited as the Public Health Rumphi District Hospital Advisory Committee Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"Committee" means the Advisory Committee for the Rumphi District Hospital established under rule 3;

"Hospital" means the Rumphi District Hospital;

"Medical Officer" means the Medical Officer for the time being in charge of the Hospital;

"Member" means member of the Committee.

PART II

ESTABLISHMENT AND MEMBERSHIP OF ADVISORY COMMITTEE

3. Establishment of Advisory Committee

The Minister hereby establishes an Advisory Committee for the Rumphi District Hospital (hereinafter referred to as the Committee).

4. Appointment of members

(1) The Committee shall consist of six members who shall be appointed as follows—

Four members shall be appointed by the Minister; and two members shall be appointed by the Rumphi District Council.

(2) Where the Rumphi District Council shall fail to appoint its member or members within 30 days from the date on which it is requested by the Minister to do so, the Minister may proceed to make the appointment of any person he deems suitable.

5. Tenure of office

(1) A member shall hold office for two years only, provided that, at the end of the first year of the existence of the Committee, one half of its members, as determined by lot, shall retire and be replaced in the manner described in rule 4 above.

(2) Any retiring member may be re-appointed with the approval of the Minister.

6. Termination of appointment and resignation

(1) If any member fails to attend two consecutive meetings without leave of absence (which may be granted by the Committee for up to seven months) the Minister may terminate the appointment of that member.

(2) Any member may at any time tender his resignation to the Minister.

(3) Where an appointment is terminated, or a resignation tendered to the Minister in accordance with the provisions of paragraphs (1) and (2) of this rule, the Minister may either permit the replacement of the member concerned in accordance with rule 4 (1), or proceed to nominate a replacement in accordance with rule 4 (2), as he deems appropriate, for the remainder of the unexpired term of office.

PART III

PROCEDURE OF THE COMMITTEE

7. Times of meetings

The first meeting of the Committee shall be held not later than one month from the first appointment of its members; thereafter it shall meet not less than once in every two months.

8. Quorum

The quorum necessary for the transaction of business of the Committee at any meeting will be four members.

9. Election of Chairman and Vice-Chairman

At its first meeting in any year, the Committee shall elect a Chairman and a Vice-Chairman from amongst its members. In the absence of either, the remaining members shall appoint one of their number to preside.

10. Special meetings

The Chairman or any three members of the Committee or the Medical Officer may call a special meeting at any time, at which business will be confined to the item or items on account of which the meeting has been called.

11. Appointment and duties of secretary

The Minister shall appoint a secretary to the Committee from District Hospital Administrative staff. The appointed secretary shall keep a record of the attendance of members and of the minutes of each meeting and shall transmit a copy of this record to the Medical Officer and to the Minister as soon as possible after each meeting.

12. Attendance of Medical Officer and Hospital staff at meetings

The Medical Officer or an officer appointed by him in writing shall have the right to be present at each meeting and shall be entitled to speak but not to vote. The Committee, with the approval of the Medical Officer, shall have the right to call any member of the Hospital staff to its meetings to assist the Committee in matters of which he has specialized knowledge.

13. Standing Orders for meetings

The Committee shall consider and approve within six months of its appointment, Standing Orders for the further regulation of its meetings.

PART IV

DUTIES OF THE ADVISORY COMMITTEE

14. Investigation of complaints and recommendations

It shall be the duty of the Committee—

(i) to receive and enquire into complaints of patients or of their relatives or friends as to nursing, diet or treatment of patients and into allegations of misconduct or negligence on the part of the nursing staff.

(ii) to make such recommendations as it deems advisable to the Medical Officer on the provision and disposition of nursing and serving staff.

15. Procedure relating to complaints and representations

Every complaint or representation by any person or persons shall be laid before the Committee in writing and, after investigation, the Committee shall forward to the Medical Officer an account of the complaint or representation together with the Committee's findings relating to it. The Medical Officer shall inform the Committee as soon as possible of his own conclusions on the complaint or representation and of any action taken by him in regard to it.

16. Visiting Committee

The Committee may appoint at least two of its members to form a Visiting Committee to visit the Hospital premises daily between the hours 10.30 a.m. and 4 p.m. by arrangement with the Medical Officer for the purpose of inspecting the conditions under which the Hospital is managed and in order to ascertain whether complaints made by or on behalf of patients are justified.

17. Recommending alterations to diets, etc.

The Committee shall recommend to the Medical Officer such alterations or additions to the scale of diets and provision of domestic equipment as it may deem necessary.

18. Approval for expenditure

No expenditure shall be incurred, or any action taken which may involve expenditure, without the approval of the Minister.

19. Benefits to be approved by Minister

The Committee shall inform the Minister of any benefit donated, bequeathed, offered or promised to the Committee for the use of the Hospital. Such benefits can only be accepted by the Committee with the approval of the Minister and must be employed in a manner agreed by him.

20. No interference with treatment or staff

The Committee shall in no way attempt to influence or to interfere with the medical treatment of patients nor shall it concern itself with the appointment, promotion, transfer or dismissal of the staff of the Hospital.

21. Control by Medical Officer

Nothing in these Rules relating to the duties of the Committee shall restrict the right of the Medical Officer to exercise such control as is normally permitted over persons enjoying the privilege of access to the Hospital as either visitors or patients.

PART V
GENERAL

22. Duty of Medical Officer to submit sketch plans

The Medical Officer shall submit to the Committee the sketch plans which he has received from the Permanent Secretary for the Ministry of Health of any proposed new building or of any proposed extensions or alterations to existing buildings of the Hospital before the final plans are prepared.

23. Comments on sketch plans by the Committee

The Committee shall return the plans to the Medical Officer as soon as possible with such comments or recommendations as it may wish to make. The Medical Officer will thereafter keep

the Committee informed of any action taken either in accordance with or contrary to the Committee's wishes.

SALIMA DISTRICT HOSPITAL ADVISORY COMMITTEE RULES
under s. 143
G.N. 106/1975
PART I
PRELIMINARY
1. Citation

These Rules may be cited as the Public Health (Salima District Hospital Advisory Committee) Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"Committee" means the Advisory Committee for the Salima District Hospital established under Rule 3;

"Hospital" means the Salima District Hospital;

"Medical Officer" means the Medical Officer for the time being in charge of the Hospital;

"member" means member of the Committee.

PART II
ESTABLISHMENT OF ADVISORY COMMITTEE
3. Establishment of Advisory Committee

The Minister hereby establishes an Advisory Committee for the Salima District Hospital (hereinafter referred to as the "Committee").

4. Appointment of members

(1) The Committee shall consist of six members who shall be appointed as follows—

(a) Three members shall be appointed by the Minister;

(b) Two members shall be appointed by the Salima District Council;

(c) One member shall be appointed by the Malawi Medical Association.

(2) Where the Salima District Council or the Malawi Medical Association, respectively fail to exercise its power of appointment in respect of any member pursuant to subrule (1) within 30 days from the date on which it is requested by the Minister to do so, the Minister may exercise such power of appointment and in so doing may appoint as such member any person whom he deems suitable.

5. Tenure of Office

(1) A member shall hold office for two years, provided that, at the end of the first year of the existence of the Committee, one half of its members, as determined by lot, shall retire and be replaced in the manner described in rule 4 above.

(2) Any retiring member may be re-appointed with the approval of the Minister.

6. Termination of appointment and resignation

(1) If any member fails to attend two consecutive meetings without leave of absence (which may be granted by the Committee for up to seven months) the Minister may terminate the appointment of that member.

(2) Any member may at any time tender his resignation to the Minister.

(3) Where any member who was appointed pursuant to paragraph (b) or (c) of rule 4 (1) resigns or his membership is terminated under these rules the Minister may either direct the relevant appointing authority under rule 4 (1) (b) or 4 (1) (c), as the case may be, to proceed to appoint a new member in the place and stead of the said member who has resigned or whose membership has been terminated, or he may, without giving any such direction, as aforesaid, himself appoint such new member. Any member appointed under this paragraph shall hold office during the unexpired residue of the term of the member he has replaced.

PART III

PROCEDURE OF THE COMMITTEE

7. Time of meetings

The first meeting of the Committee shall be held not later than one month from the first appointment of its members; thereafter it shall meet not less than once in every two months.

8. Quorum

The quorum necessary for the transaction of business of the Committee at any meeting will be four members.

9. Election of Chairman and Vice-Chairman

At its first meeting in any year, the Committee shall elect a Chairman and Vice-Chairman from amongst its members. In the absence of either, the remaining members shall appoint one of their members to preside.

10. Special meetings

The Chairman or any three members of the Committee or the Medical Officer may call a special meeting at any time, at which business will be confined to the item or items on account of which the meeting has been called.

11. Appointment and duties of secretary

The Minister shall appoint a secretary to the Committee from District Hospital Administrative staff. The secretary shall keep a record of the attendance of members and of the minutes of each meeting and transmit a copy of this record to the Medical Officer and to the Minister as soon as possible after each meeting.

12. Attendance of Medical Officer and Hospital staff at meeting

The Medical Officer or an officer appointed by him in writing shall have the right to be present at each meeting and shall be entitled to speak but not to vote. The Committee, with the approval of the Medical Officer, shall have the right to call any member of the Hospital staff to its meetings to assist the Committee in matters of which he has specialized knowledge.

13. Standing Orders for meetings

The Committee shall consider and approve within six months of its appointment, Standing Orders for the further regulation of its meetings.

PART IV

DUTIES OF THE ADVISORY COMMITTEE

14. Investigation of complaints and recommendations

It shall be the duty of the Committee—

(i) to receive and enquire into complaints of patients or of their relatives or friends as to nursing, diet or treatment of patients and into allegations of misconduct or negligence on the part of the hospital staff;

(ii) to make such recommendations as it deems advisable to the Medical Officer on the provision and disposition of nursing and serving staff.

15. Procedure relating to complaints and representations

Every complaint or representation by any person or persons shall be laid before the Committee in writing and, after investigation, the Committee shall forward to the Medical Officer an account of the complaints or representation together with the Committee's findings relating to it. The Medical Officer shall inform the Committee as soon as possible of his own conclusions on the complaint or representation and of any action taken by him in regard to it.

16. Visiting Committee

The Committee may appoint at least two of its members to form a Visiting Committee to visit the Hospital premises by arrangement with the Medical Officer for the purpose of inspecting the conditions under which the Hospital is managed and in order to ascertain whether complaints made by or on behalf of patients are justified.

17. Recommending alterations to diets, etc.

The Committee shall recommend to the Medical Officer such alteration or addition to the scale of diets and provision of domestic equipment as it may deem necessary.

18. Approval for expenditure

No expenditure shall be incurred, or any action taken which may involve expenditure without the approval of the Minister.

19. Benefits to be approved by Minister

The Committee shall inform the Minister of any benefit donated, bequeathed, offered or promised to the Committee for the use of the Hospital. Such benefits can only be accepted by the Committee with the approval of the Minister and must be employed in a manner agreed by him.

20. No interference with treatment or staff

The Committee shall in no way attempt to influence or interfere with the medical treatment of patients nor shall it concern itself with the appointment, promotion, transfer or dismissal of staff of the Hospital.

21. Control by Medical Officer

Nothing in these rules relating to the duties of the Committee shall restrict the right of the Medical Officer to exercise such control as is normally permitted over persons enjoying the privilege of access to the District Hospital as either visitors or patients.

PART V

GENERAL

22. Duty of Medical Officer to submit sketch

The Medical Officer shall submit to the Committee the sketch plans which he has received from the Permanent Secretary for the Ministry of any proposed new building or of any proposed extensions or alterations to existing buildings of the hospital before the final plans are prepared.

23. Comments on sketch plans by the Committee

The Committee shall return the plans to the Medical Officer as soon as possible with such comments or recommendations as it may wish to make. The Medical Officer will thereafter keep the Committee informed of any action taken either in accordance with or contrary to the Committee's wishes.

CHITIPA DISTRICT HOSPITAL ADVISORY COMMITTEE RULES

under s. 143

G.N. 13/1980

PART I

PRELIMINARY

1. Citation

These Rules may be cited as the Public Health (Chitipa District Hospital Advisory Committee) Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"Committee" means the Advisory Committee for the Chitipa District Hospital established under rule 3;

"Hospital" means the Chitipa District Hospital;

"Medical Officer" means the Medical Officer for the time being in charge of the Hospital;

"Member" means member of the Committee.

PART II

ESTABLISHMENT AND MEMBERSHIP OF THE ADVISORY COMMITTEE

3. Establishment of Advisory Committee

The Minister hereby establishes an Advisory Committee for the Chitipa District Hospital (hereinafter referred to as the Committee).

4. Appointment of members

(1) The Committee shall consist of six members of whom four shall be appointed by the Minister and two shall be appointed by the Chitipa District Council.

(2) If the Chitipa District Council shall have failed to appoint any or either such member within thirty days from the date on which it was requested by the Minister to do so, the Minister may appoint any person he deems suitable as such member.

5. Tenure of office

(1) At the end of the first year of the existence of the Committee, one half of its members, as determined by lot, shall retire and be replaced in the manner described in rule 4.

(2) Subject to subrule (1), a member shall hold office for two years.

(3) Any retiring member may be reappointed with the approval of the Minister.

6. Termination of appointment and resignation

(1) If any member fails to attend two consecutive meetings without leave of absence (which at any time may be granted by the Committee for any period of not more than seven months) the Minister may terminate the appointment of that member.

(2) Any member may at any time tender his resignation to the Minister.

(3) Where an appointment is terminated, or a resignation is tendered to the Minister, in accordance with the provisions of this rule, the Minister may either permit the replacement of the member concerned in accordance with rule 4 (1), or proceed to nominate a replacement in accordance with rule 4 (2), as he deems appropriate, for the remainder of the unexpired term of office.

PART III

PROCEDURE OF THE ADVISORY COMMITTEE

7. Time of meetings

The first meeting of the Committee shall be held before the expiry of one month after the date of the first appointment of its members; thereafter it shall meet not less than once in every two months.

8. Quorum

The quorum necessary for the transaction of the business of the Committee at any meeting is four members.

9. Election of Chairman and Vice-Chairman

(1) At its first meeting in any year, the Committee shall elect a Chairman and a Vice-Chairman from amongst its members.

(2) The Chairman or, in his absence, the Vice-Chairman shall preside at meetings of the Committee; in the absence of both the Chairman and the Vice-Chairman at any meeting, the members of the Committee present may appoint any one of their number to preside thereat.

10. Special meetings

The Chairman or any three members of the Committee or the Medical Officer may call a special meeting of the Committee at any time, at which business shall be confined to the purpose for which the meeting has been called.

11. Appointment and duties of Secretary

The Minister shall appoint a Secretary to the Committee from the Hospital Administrative staff. The Secretary shall keep a record of the attendance of members and of the minutes of each meeting and shall transmit a copy of such record to the Medical Officer and to the Minister as soon as practicable after each meeting.

12. Attendance of Medical Officer and Hospital staff at meetings

The Medical Officer or an officer appointed by him in writing shall be entitled to be present at each meeting and to speak but not to vote. The Committee, with the approval of the Medical Officer, may summon any member of the Hospital staff to its meetings to assist the Committee in matters of which such member of staff has specialized knowledge.

13. Standing Orders or meetings

The Committee shall, within six months of its appointment, consider and approve Standing Orders for the regulation of its meetings in any manner not inconsistent with the provisions of these Rules.

PART IV

DUTIES OF THE ADVISORY COMMITTEE

14. Investigation of complaints and recommendations

It shall be the duty of the Committee—

(a) to receive and enquire into any complaints made by patients or by the relatives or friends of patients as to the nursing, diet or treatment administered to patients at the hospital, and into any allegations of misconduct or negligence on the part of the nursing staff;

(b) to make such recommendations to the Medical Officer as it deems advisable with respect to the provision and disposition of nursing and serving staff.

15. Procedure relating to complaints and representations

Every such complaint or allegation shall be laid before the Committee in writing and, after due enquiry, the Committee shall forward to the Medical Officer a report thereon which shall contain the Committee's findings in relation thereto. The Medical Officer shall inform the Committee as soon as possible thereafter of his own conclusions with regard to such complaint or allegation and of any consequent action taken by him.

16. Visiting Committee

The Committee may appoint at least two of its members to form a Visiting Committee whose duty it shall be to visit the hospital premises daily between the hours 10:30 a.m. and 4.00 p.m. by arrangement with the Medical Officer for the purpose of inspecting the conditions under which the hospital is being managed and ascertaining whether any such complaints or allegations appear to be justified.

17. Recommending alteration to diets, etc.

The Committee may recommend to the Medical Officer any alterations or additions to the scale of diets or to the domestic equipment of the hospital as it thinks necessary.

18. Approval for expenditure

No expenditure shall be incurred by the Committee, nor any action taken by the Committee which may involve expenditure, without the approval of the Minister.

19. Donations and bequests first to be approved by Minister, etc.

The Committee shall notify the Minister of any donation or bequest that may have been offered or promised to the Committee for the use of the hospital. No such donation or bequest shall be accepted by the Committee unless the approval of the Minister has first been obtained,

and every such donation and bequest shall be devoted only to such purpose for the benefit of the hospital as he shall direct.

20. No interference with treatment of staff

The Committee shall not, in any way, whether directly or indirectly, influence or interfere with the medical treatment of patients nor attempt to do so, nor concern itself with the appointment, promotion, transfer or dismissal of the staff of the hospital.

PART V

GENERAL

21. Control by Medical Officer

Nothing in these Rules relating to the duties of the Committee shall restrict the right of the Medical Officer to exercise such control as is customary over visitors to the hospital and patients therein.

22. Duty of Medical Officer to submit sketch plans

The Medical Officer shall submit to the Committee any sketch plans, received by him from the Secretary for Health, of any proposed new building or of any proposed extensions or alterations to existing buildings, of the hospital, before final plans are prepared.

23. Comments on sketch plans by the Committee

The Committee shall consider and return such sketch plans to the Medical Officer as soon as possible with such comments or recommendations thereon as it may wish to make. The Medical Officer shall thereafter keep the Committee informed of any consequent action taken whether or not such action is at variance with any such comment or recommendation.

PUBLIC HEALTH (GOVERNMENT HOSPITALS) (FEES) RULES

under s. 143

G.N. 90/1993

38/1997

15/1998

1. Citation

These Rules may be cited as the Public Health (Government Hospitals) (Fees) Rules.

2. Fees

(1) Subject to sub-rule (2), the fees prescribed in the Schedule shall be payable in respect of the matters specified therein in relation to such fees.

(2) Where a patient is a member of a medical insurance scheme, the fees payable in respect of matters specified in the Schedule shall be in accordance with the fees prescribed in the Schedule, or the fees schedule of the medical insurance scheme, whichever is the higher.

SCHEDULE r. 2

FEES PAYABLE BY PRIVATE PATIENTS AT GOVERNMENT HOSPITALS G.N. 38/1997, 15/1998

Matter	Fees payable

K t

1. OUT-PATIENTS, per attendance—
   (a) Specialists:
      (i) for first attendance 60 00
      (ii) for subsequent attendance for the same episode of illness, or acute exacerbation of chronic illness 30 00
   (b) General practitioners—
      (i) for first attendance 40 00
      (ii) for subsequent attendance for the same episode of illness, or acute exacerbation of chronic illness 20 00
2. IN-PATIENTS—
   (a) Central and General Hospitals—
      (i) single self-contained room, per day 300 00
      (ii) shared room, per day 150 00
      (iii) deposit payable on admission 600 00
      (iv) ICU bed 400 00
   (b) District Hospitals, per day 75 00
   (c) Doctor's visits on request, per visit—
      (i) specialists 100 00
      (ii) general practitioners 50 00
3. SURGERY INCLUDING OBSTETRICS, GYNAECOLOGY, OPHTHALMOLOGY AND DENTISTRY—
   (a) major operation 1,500 00
   (b) minor operation with general anesthesia 650 00
   (c) minor operation without general anaesthesia 300 00
4. MATERNITY SERVICES—
   (a) Antenatal and postnatal out-patient care, for the entire period 200 00
   (b) Delivery:
      (i) normal delivery
         by midwife 300 00
         by general practitioner 400 00
         by obstetrician/gynaecologist 750 00
      (ii) caesarean section 750 00
5. DIAGNOSTIC PROCEDURES—
   (a) Lumber puncture 50 00
   (b) Paracentesis:
      (i) chest with drain 100 00
      (ii) chest without drain 50 00
      (iii) pericardium with drain 100 00
      (iv) pericardium without drain 60 00

(v) abdomen 50 00
(vi) aspiration of joint 50 00

(c) Electrocardiogram 250 00
(d) Liver biopsy 75 00
(e) Sigmoidoscopy, with general anaesthesia 200 00
(f) Sigmoidoscopy, without general anaesthesia 60 00
(g) Gastroscopy 200 00
(h) Colonoscopy 260 00
(i) Bronchoscopy 200 00
(j) Complete abdominal ultrasound scan 300 00
(k) Obstetrical and gynaecological scan 100 00
(l) Fine needle aspiration 60 00

OUT-PATIENT DEPARTMENT II (OPD II)

6. LABORATORY TESTS—

(a) Parasitology:
(i) stool (microscopy) 20 00
(ii) urine (microscopy) 20 00
(iii) urine (sugar) 20 00
(iv) urine and stool (full report) 50 00
(v) urine bile 30 00
(vi) malaria parasites smear 30 00
(vii) stool occult blood 55 00

(b) Serology:
(i) VDRL 60 00
(ii) widal 60 00
(iii) weil felix 60 00
(iv) brucellosis 20 00
(v) HIV ordered by doctor free
(vi) HIV (ELISA) test on request by individual 85 00
(vii) HIV on request by insurance company 450 00
(viii) HIV (western blot) test 450 00
(ix) hepatitis B surface antigen 147 00
(ix) slide test 40 00
(ix) antistreptolysin (ASO) titre 100 00
(xii) rheumatoid factor 100 00

(c) Bacteriology:
(i) culture only 50 00
(ii) culture and sensitivy 100 00
(iii) AAFB (x3) 100 00
(iv) cerebrospinal fluid:

gram stain 30 00
cell count 30 00
sugar 30 00
protein 30 00
wet preparation 30 00

(d) Haematology:

(i) haemoglobin 25 00
(ii) WBC 25 00
(iii) ESR 110 00
(iv) full blood count 65 00
(v) full blood count and differencial 95 00
(vi) LE cells 85 00

(e) Electrophoresis:

(i) haemoglobin 65 00
(ii) serum 65 00
(iii) urine 65 00
(iv) cerebrospinal fluid 65 00
(v) prothrombin time 100 00
(vi) clotting time 20 00
(vii) bone marrow examination 100 00
(viii) bone marrow aspiration and examination by pathologist 150 00
(ix) fibrinogen 170 00
(x) coombs test, direct and indirect 50 00
(xi) grouping and cross matching 65 00
(xii) grouping alone 25 00
(xiii) cross matching 60 00

(f) Biochemistry:

(i) blood glucose 40 00
(ii) serum protein 40 00
(iii) electrolytes (sodium, potassium, calcium chloride, bicarbonate and lithum), per electrolyte 100 00
(iv) acid phosphate 70 00
(v) alkaline phosphate 40 00
(vi) amylase 45 00
(vii) cholesterol 40 00
(viii) creatine phosphokinase (CPK) 130 00
(ix) creatinine 40 00
(x) urea 20 00
(xi) uric acid 40 00
(xii) glucose-6-phosphate dehydroganae (G6PD) 80 00

(g) Liver function tests:

(i)	complete	200	00
(ii)	total protein	40	00
(iii)	SGOT	40	00
(iv)	SGPT	55	00
(v)	A/G ratio	55	00
(vi)	albumium	55	00
(vii)	bilirubin	50	00

(h) Pregnancy tests:

(i)	qualitative	50	00
(ii)	quantitative	75	00

(i) Histology and cytology:

(i)	histology	65	00
(ii)	extra fee for special stains	25	00
(iii)	cytology by technician	40	00
(iv)	cytology by pathologist	50	00
(v)	semen analysis	50	00
(vi)	buccal smear	65	00
(vii)	barr bodies	50	00

7. X-RAYS—

(a)	upper or lower limbs, per limb	45	00
(b)	skull, plain	55	00
(c)	skull with contrast media	180	00
(d)	chest	60	00
(e)	angiogram	160	00
(f)	intravenous urogram	160	00
(g)	salpingogram	100	00
(h)	barium meal	170	00
(i)	barium enema	170	00
(j)	barium shallow	140	00
(k)	abdomen, plain film	45	00
(l)	whole gastrointenstinal tract contrast media	200	00
(m)	pelvis	60	00

(n) vertebral column:

(i)	per section	60	00
(ii)	whole spine	95	00

OUT-PATIENT DEPARTMENT 1 (OPD 1)

8. DENTAL PROCEDURES other than major and minor operations made in paragraph 3 above—

(a) Diagnosis—

(i) clinical examination, advice, charting (including monitoring of periodontal status and report), per course of treatment 60 00

(ii) full case assessment treatment planning by dentist 100 00

(iii) for oral and maxillofacial assessment by dental specialist 150 00

(iv) for orthodontic assessment by dentist 100 00

(v) for orthodontic assessment by dental specialist 150 00

(vi) radiographic examination and report:

(A) small films under 16 cm2 40 00

(B) medium film between 16 cm2 and 50 cm2 70 00

(C) large film over 50 cm2 except panoral and lateral skull 150 00

(D) panoral film 200 00

(E) lateral head plate 300 00

(F) cephalometric analysis 400 00

(vi) study models:

(A) per set 200 00

(B) per duplicate set 150 00

(C) per single cast 100 00

(vii) colour photographs:

(A) per film 30 00

(B) per additional film 15 00

(viii) biopsy:

(A) excisional 300 00

(B) incisional 250 00

(b) Preventive care—

(i) intensive instruction in the prevention of dental disease including advice on diet and on oral hygiene techniques 50 00

(ii) application of fissure sealants as a primary preventive measure to pits and fissure per tooth 50 00

(iii) application of flourides, per tooth 60 00

(c) Periodontal treatment—

(i) simple scaling and polishing including oral hygiene instruction 50 00

(ii) treatment of periodontal disease requiring more than 1 visit including oral hygiene instruction, scaling, polishing and marginal correction of fillings 150 00

(iii) non-surgical treatment of chronic periodontal diseases requiring a minimum of three visits treatment to include root-planning, deep scaling and where required marginal correction of restorations, syringing of periodontal pockets, subgingival curettage and/or gingival packing of affected teeth 300 00

(d) Conservation treatment—

(i) amalgam fillings:

(A) one surface 50 00

(B) two surfaces 80 00

(C) three or more surfaces 100 00

(ii) composite fillings:

(A) one surface 250 00

(B) two surfaces 400 00

(C) three or more surfaces 500 00

(D) additional fee for light cure 50 00

(iii) glass lonomer, solicate or solico phosphate filling, per tooth 100 00

(iv) glass lonomer/composite sandwitch filling, per tooth 200 00

(v) pin or screw retention of above treatment, per pin or screw 50 00

(e) Endodontic treatment—

(i) root canal treatment with radio opaque filling material:

(A) per incisor or canine tooth 190 00

(B) per upper premolar tooth 250 00

(C) per lower premolar tooth 200 00

(D) per molar tooth 350 00

(E) each additional canal 62 00

(ii) vital pulpolomy and dressing 150 00

(iii) apicetomy of permanent teeth—

(A) per incisor or canine tooth 250 00

(B) per premolar tooth 350 00

(C) per buceal tooth of upper mollar, per tooth 400 00

(f) Porcelain veneers facing or refacing of a permanent anterior tooth to the first premolar and including acid etch retention, per tooth 600 00

(g) In lays and crowns—

(i) in alloys containing 60 per cent or fine gold:

(A) surface cavity inlay 400 00

(B) two surface cavity inlay 500 00

(C) three or more surfaces cavity inlay 600 00

(ii) cast three-quarter crown 800 00

(iii) cast full crown 700 00

(iv) in other alloys:

(A) full crown cast in precious metal alloy 800 00

(B) full crown in non-precious mental alloy 500 00

(v) porcelain jacket crown 800 00

(vi) bonded crowns:

(A) full crown cast in alloy of fine gold or previous metal with thermally bonded porcelain 1,500 00

(B) full crown cast in non-precious metal alloy with thermally bonded porcelain 1,200 00

(C) porcelain jacket crown bonded to wrought platinum coping 1,000 00

(D) jacket crown in synthetic resin 300 00

(E) core and post both cast in previous metal alloy 500 00

(F) core and post prefabricated in non-precious metal alloy 200 00

(G) pin or screw retention for a core fabricated in mouth 100 00

(H) provision of a facing with ailicate, silicatephosphate glass ionomer, synthetic resin or composite resin 70 00

(I) temporary crown provided prior to preparation of a permanent crown as an immediately necessary palliative 100 00

(J) removal of a post fractured at or below a root face necessitating the modification of the existing canal form 100 00 70 00

(K) crown or inlay repair

(L) refixing or recementing on inlay or crown 70 00

(M) laboratory fees 500 00

(h) Provision of bridges—

(i) per pontic:

(A) acidetch retained bridge 800 00

(B) cast in alloy containing 60 per cent or more fine gold 1,500 00

(C) other precious metal 1,200 00

(D) non-precious metal 1,100 00

(E) porcelain 1,000 00

(F) bonded porcelain 1,200 00

(G) porcelain bonded to an alloy 1,500 00

(ii) retainers for other than acidetch retained bridges:

(A) cast in alloy containing 60 per cent or more fine gold 1,300 00

(B) in other alloys 1,500 00

(C) porcelain full crown, per retainer 1,650 00

(D) full bonded crown cast in an alloy of fine gold or precious metal themally bonded procelain 2,500 00

(iii) additional items on retainers, per abutment tooth:

(A) core and post both cast in precious metal 500 00

(B) core and post both cast in non-precious metal 250 00

(C) pin or screw retension for a core fabricated in mouth 100 00

(iv) temporary bridge (maryland) 200 00

(v) recementing or refixing bridge 200 00

(vi) laboratory fees 500 00

(i) Provision of dentures—

(i) preprothetic treatment including synthetic resin addition to occlusal surface of existing dentures to restore vertical dimensions tissue conditioning with auto-polymerising tissue conditioner 200 00

(ii) provision of denture in sythetic resin including all necessary backing and tagging:

(A) full upper and full lower dentures 2,000 00

(B) full upper or full lower only 1,000 00

(C) partial dentures bearing up to three teeth 800 00

(D) partial dentures bearing four to eight teeth 1,100 00

(E) partial denture bearing more than eight teeth 1,500 00

(iii) additional fee for stainless steel lingual bar or palatal bar, per unit 300 00

(iv) provision of metal based dentures which may not be provided until such period after extraction (normally not less than three months) as the dentist thinks fit:

(A) full upper or full lower denture in chrome combalt or stainless steel, per denture 3,500 00

(B) plate design partial denture bearing up to three teeth 3,600 00

(C) plate design partial denture bearing between four to eight teeth 3,700 00

(D) plate design partial denture bearing more than eight teeth 3,800 00

(v) skeleton design partial denture with single connexion bearing:

(A) up to three teeth 3,700 00

(B) four to eight teeth 3,800 00

(C) more than eight teeth 3,900 00

(vii) additional fee for provision of soft liners 500 00

(viii) additional fee for use of laboratory constructed special trays for taking impressions 200 00

(ix) impression fees 50 00

(x) denture repair 50 00

(xi) replacement of one tooth 65 00

(xii) relining or renewal of soft-liner 500 00

(xiii) rebasing 600 00

(xiv) addition of a clasp (stainless steel) 170 00

(xv) addition of a tooth 210 00

(j) Obturators, splints and other non-ortontic applications—

(i) obturators 500 00

(ii) repair to obturators 100 00

(iii) provision of emergency splinting for luxated or mobile teeth 150 00

(iv) provision of acid etch retained composite splint 200 00

(v) provision of laboratory fabricated heat cured acrylic splint designed to be retained normally for more than six weeks 300 00

(vi) provision of heat cured acrylic acclusal appliance for diagnostic and herapentic purpose 400 00

(vii) laboratory fees500 00

(k) Orthodontic treatment—

(i) intra oral appliances:

(A) removable spring type appliance 1,000 00

(B) removable appliance with screws 1,500 00

(C) retainer 500 00

(D) simple fixed appliance 1,500 00

(E) fixed multiband or multibracket appliance 2,000 00

(F) functional appliance 1,300 00

(G) bite plane appliance 600 00

(H) additional fee for extra oral traction or anchorage reinforcement 350 00

(ii) repairs to orthodontic appliances:

(A) repairing cracks or fracture in the acrylic of a removable appliance 150 00

(B) refixing a metal component or providing and fixing a replacement metal component on a removable appliance 200 00

(C) repairing a functional appliance 250 00

(D) repairing a fixed appliance involving replacing two or more blanketsm, band arcluwires or auxilliaries 350 00

(iii) replacement of appliances lost or damaged beyond repair:

(A) space maintainer or retention appliance 190 00

(B) removable spring or screw type appliance 190 00

(C) simple fixed type appliance 700 00

(D) fixed multiband or multibracket appliance 1,000 00

(l) Exodontics—

(i) simple extraction, per tooth 50 00

(ii) surgical extraction 190 00

(iii) removal of buried roots, per quadrant300 00

(iv) removal of unerupted or impacted tooth 400 00
(v) clearance at least five teeth removal per jaw 500 00
(vi) local treatment of post extraction 20 00
(vii) haemorrhage 20 00
(viii) treatment of septic socket 20 00

(m) Oral infection treatment—
(i) intra oral incision and drainage of pyogenic abscess 500 00
(ii) sequestrectomy-intra oral 400 00

(n) Para-orthodontic surgical procedure—
(i) surgical exposure of unrupted tooth 500 00
(ii) surgical re-implantation of tooth plus 500 00
(iii) laboratory fees and splinting 500 00
(iv) surgical transplantation plus laboratory fees and splinting 900 00

(o) Threatre charges—
(i) dental theatre fees—first fifteen minutes, each 200 00
(ii) fifteen minutes thereafter or part thereof (Actual theatre time must be shown on chart form) 50 00

(p) Periodontal treatment (by dental therapist), simple scaling and polishing 25 00

(q) Conservation treatment (by dental therapist)—
(i) one surface filling 25 00
(ii) two surfaces filling 40 00
(iii) three surfaces filling 50 00

(r) Prothesis, obturators and other appliances (by dental technologist)—

(i) dentures, these are limited to removable acrylic dentures as follows:

(A) partial denture, up to four teeth 200 00
(B) fees, per additional tooth 20 00
(C) full denture, upper or lower only 350 00
(D) full denture, upper and lower 700 00
(E) denture repair 50 00

(ii) orthodontics:
(A) removable appliance 260 00
(B) removable appliance with screws 310 00
(C) retainer 190 00

(iii) laboratory fees 300 00
(iv) impression fees 30 00

9. PHYSIOTHERAPY for both in-patients and out-patients per session—

(a) one mode therapy:

(i) for first attendance 45 00

(ii) for subsequent attendance for same episode of illness or acute exacerbation of chronic illness 25 00

(b) combination therapy:

(i) for first attendance 60 00

(ii) for subsequent attendance for the same episode of illness or acute exacerbation of chronic illness 40 00

10. MISCELLANEOUS CHARGES—

(a) death report 100 00

(b) full examination for insurance purpose (all hospitals) 450 00

(c) medical report to insurance companies and private sectors (all hospitals) 350 00

(d) Ambulance hire charge per km 8 00

(e) embalming:

(i) for local 400 00

(ii) for international 1,000 00

(f) Postmortem 1,000 00

(g) washing of body 30 00

(h) vaccination for travelling 30 00

11. OUT-PATIENT DEPARTMENT II

(a) Diagnosis free

(b) Preventive care free

(c) Exodontics free

(d) Obstructors and splints free

(e) Children five years old and below free

PUBLIC HEALTH (MARKETING OF INFANT AND YOUNG CHILD FOODS) RULES

ARRANGEMENT OF RULES

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G.N. 8/2004

PUBLIC HEALTH (MARKETING OF INFANT AND YOUNG CHILD FOODS) RULES

under s. 143

PART I

PRELIMINARY

1. Citation and commencement

These Rules may be cited as the Public Health (Marketing of Infant and Young Child Foods) Rules.

2. Application

The Rules shall be applicable in the whole country and shall affect all breast-milk substitutes and other designated products whether locally made or imported and the practices related thereto, including their quality, availability and information concerning their use.

3. Interpretation

In these Rules, unless the context otherwise requires—

"advertising" means to make any representation for the purpose of promoting directly or indirectly sell of a designated product and includes every form of advertising or information dissemination by—

(a) written publications, television, radio, film, video or telephone;

(b) display of signs, billboards, notices or goods;

(c) exhibition of pictures or models;

(d) e-mail and internet; or

(e) any other means;

"Advisory Committee" means a Committee set up under rule 7;

"complimentary food" means any food suitable or presented as suitable addition to breast-milk, infant formula or follow-up formula;

"container" means any form of packaging of product for sale as a retail unit, including wrappers;

"designated product" includes—

(a) infant formula including special formulas for premature babies and those with metabolic diseases;

(b) any other food or milk marketed or otherwise presented as suitable for feeding infants for the first six (6) months of life;

(c) feeding bottles, teats, pacifiers, cups with spouts and similar receptacles; and

(d) such other products as the Minister may, from time to time, declare to be designated products for purposes of these Rules by notice in the Gazette;

"distributor" means a person engaged in the business, whether wholesale or retail, of marketing any designated product and includes any person engaged in the business of providing information, or public relations services in relation to any designated product;

"follow-up formula" means an animal or vegetable-based milk product intended for infants and young children older than six (6) months and industrially formulated in accordance with Malawi standards or in the absence of such standards, in accordance with standards elaborated by the Codex Alimentarius Commission;

"health care facility" means a public or private institution, non-governmental organization or private practitioner engaged directly or indirectly in the provision of health care or in health care education, day-care centres, nurseries or other infant-care facilities;

"health professional" includes a medical practitioner, nurse, clinical officer, midwife, dietician, nutritionist and environmental health officer;

"health worker" includes a person working, or in training to work in a health care facility, whether professional or non-professional including voluntary unpaid workers;

"infant" means a child from birth up to the age of twelve (12) months;

"infant formula" includes an animal or vegetable-based milk product; industrially formulated in accordance with Malawi standards, or in the absence of such standards, in accordance with standards elaborated by the Codex Alimentarius Commission, to satisfy some or all of the nutritional requirements of infants up to the age of six (6) months;

"Inspector" means a person appointed as an inspector under rule 15;

"label" includes a tag, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, attached or otherwise appearing on or displayed near a container of a designated product;

"manufacturer" means a person engaged in the business of producing a designated product whether directly, or through an agent, controlled by or under an agreement;

"marketing" means any method of introducing or selling a designated product, including promotion, distribution, advertising, distribution of samples, public relations and information services;

"pacifier" means an artificial teat for babies to suck, also referred to as a "dummy";

"sample" means a single or small quantity of a designated product provided without cost;

"young child" means a person from the age of twelve (12) months up to the age of three years (36 months).

4. Objective

These Rules intend to ensure safe and adequate nutrition for infants and young children by—

(a) promoting, protecting and supporting exclusive breast-feeding for six (6) months and breast-feeding with adequate complementation with locally available foods up to about two (2) years or beyond; and

(b) regulating the marketing of designated products.

PART II

ADMINISTRATION

5. Implementation

(1) The Minister shall be responsible for the implementation of these Rules.

(2) The Minister shall, when necessary, call upon other ministries to ensure the proper implementation of these Rules.

6. Powers and functions of the Minister

For the purpose of implementing these Rules, the Minister shall have the following powers and functions—

(a) to call for consultations with Government agencies and other interested parties to ensure implementation and strict compliance with the provisions of these Rules;

(b) to ensure the enforcement of these Rules; and

(c) to exercise such other powers and functions as may be necessary for or incidental to the attainment of the purposes and objectives of these Rules.

7. Advisory Committee

(1) There shall be an Advisory Committee which shall be responsible for the promotion, protection and support of breast-feeding.

(2) The Advisory Committee shall consist of the following members—

(a) the Minister of Health or his representative who shall be the ex officio chairman;

(b) two representatives from the Ministry of Health and Population responsible for nutrition, food and hygiene;

(c) two persons representing non-governmental organizations in the field of child welfare and development, infant nutrition or consumer protection;

(d) a representative from Malawi Bureau of Standards;

(e) the Secretary for Commerce and Industry or his designated representative;

(f) the Secretary for Ministry of Justice or his designated representative; and

(g) the Secretary for Gender and Community Services or his designated representative.

(3) No person shall be appointed a member of the Advisory Committee who has any direct or indirect financial interest in any designated product.

(4) The Minister shall appoint the members of the Advisory Committee within thirty (30) days after these Rules come into force.

(5) The members of the Advisory Committee other than the ex officio members, shall hold office for a term of three years and shall be eligible for re-appointment for one more term.

8. Vacation of member

(1) The office of a member of the Advisory Committee, other than an ex officio member shall be vacated—

(a) upon the expiry of the period of his appointment;

(b) upon his death;

(c) upon notice in writing to the Minister of his intention to resign his office;

(d) if a member acquires direct or indirect financial interest in any designated product; or

(e) if he is absent, without valid reasons, from three consecutive meetings of the Advisory Committee of which he has had notice.

(2) A vacancy shall be filled in the same manner as the original appointment for the remaining unexpired term.

9. Invited persons

The Advisory Committee may invite any person to attend any deliberations of the Committee but such person shall not be entitled to vote on any matter at any meeting of the Advisory Committee.

10. Sub-committees of the Advisory Committee

The Advisory Committee may establish sub-committees to carry out any special or general functions determined by the Advisory Committee.

11. Administration of the Advisory Committee

(1) The Minister shall appoint, within his Ministry, a secretary to the Advisory Committee and such other officers as he deems necessary for the purposes of the implementation of these Rules.

(2) The Secretary shall—

(a) convene meetings of the Advisory Committee at the direction of the Chairman;

(b) maintain minutes of the meetings; and

(c) perform such other duties as may be directed by the Advisory Committee.

12. Meetings of the Advisory Committee

(1) The Advisory Committee shall meet as often as it deems necessary, but not less than twice a year at such time and place as the Secretary shall indicate.

(2) Five (5) members of the Advisory Committee shall constitute a quorum for a meeting.

(3) At any meeting the decision for the Advisory Committee on any matter shall be that of the majority of the members present and voting at that meeting and in the event of an equality of votes, the Chairman or the person presiding shall have a casting vote in addition to his deliberate vote.

(4) The Advisory Committee may make such other administrative rules as may be required for its proper functioning.

(5) An extraordinary meeting of the Advisory Committee—

(a) may be convened by the Chairman at any time; and

(b) shall be convened by the Chairman within seven days after receipt by him of a request in writing signed by not less than three members of the Advisory Committee and specifying the purpose for which the meeting is to be convened.

13. Powers and functions of the Advisory Committee

The Advisory Committee shall have the following powers and functions—

(a) to review reports of violation or other matters concerning these Rules;

(b) to issue instructions to inspectors on what actions to be taken, or take such other actions, as the case may be, against any person found violating the provisions of these Rules;

(c) to examine and approve materials submitted in accordance with rule 21 (4) and recommend appropriate actions to be taken in the case of a violation of Part V; and

(d) such other powers and functions, as are conferred on it by the provisions of these Rules.

PART III

REGISTRATION AND INSPECTION

14. Registration of designated products

(1)(a) Every manufacturer, importer, wholesaler or retailer of designated products shall apply annually to the Ministry for registration as a manufacturer, importer, wholesaler or retailer of designated products; and

(b) the application for registration shall be accompanied by non-refundable registration fees specified in the Schedule hereto.

(2) The Minister shall, by notice in the Gazette, specify the date prohibiting the importation, manufacturing or sale of any designated product that is not registered.

(3) A person applying for registration as a manufacturer, importer, wholesaler or retailer of a designated product shall furnish such information and samples as specified in the registration form.

(4) Once the registration has been approved, a Certificate of Registration shall be issued by the Ministry.

(5) No Certificate of Registration shall be granted unless the designated product is—

(a) in accordance with the Malawi Standards, or in the absence of such standards, in accordance with standards elaborated by the Codex Alimentarius Commission; and

(b) every label of designated product is in accordance with the requirements of Part VI of these Rules.

15. Inspectors

The Minister shall appoint such persons as he sees fit, who have the prescribed qualifications, to be inspectors for the purposes of these Rules within such limits as may be assigned to them respectively:

Provided that no person who has any direct or indirect financial interest in any designated product shall not be appointed as an inspector.

16. Powers of Inspectors

An Inspector may—

(a) inspect any premises where any designated product is imported, manufactured, sold, stocked, exhibited for sale, advertised or otherwise promoted;

(b) inspect all relevant records and documents related to designated products; and

(c) exercise such other relevant powers.

17. Procedure for inspection

(1) Inspectors shall inspect, as regularly as possible but in any case not less than four times a year, the premises which are used as a factory, warehouse, distribution or selling point of any breast-milk substitute or other designated product.

(2) After each inspection, the Inspector shall submit a report including any kind of violation of these Rules and recommendations to the Minister and seek instructions as to the action to be taken in respect of such violation.

PART IV

PROHIBITIONS

18. Sale, etc., of designated product

No person shall distribute for sale, sell, stock or exhibit for sale any designated product that—

(a) is not in compliance with these Rules;

(b) has reached its expiration date; or

(c) is not in its original container.

19. Promotion prohibited

(1) No manufacturer or distributor shall promote any designated product.

(2) Prohibited promotional practices include—

(a) advertising;

(b) sales devices including but not limited to rebates, special sales, discount coupons, prizes and gifts;

(c) the giving of one or more samples of a designated product to any person;

(d) distribution of any information or educational material regarding infant or young child feeding, except in accordance with these Rules; and

(e) direct or indirect contact between marketing personnel and members of the public in furtherance of or for the purposes of their business.

(3) For the purposes of this rule, “promote” means to employ any method of directly or indirectly encouraging a person to purchase or use a designated product.

20. Prohibition of donations, gifts, etc.

(1)(a) No manufacturer or distributor shall donate or sell at lower than eighty (80) per cent of retail price any quantity of a designated product to a health care facility:

Provided that such donations or low-price sales may be offered to orphanages or institutions devoted exclusively to caring for abandoned children; and

(b) when such donations or low-priced sales are made, they shall be in a quantity sufficient to feed the infants concerned for a period of at least six (6) months.

(2) No manufacturer or distributor shall donate to or distribute within a health care facility materials, other than those specified in subrule (1) of this rule.

(3)(a) No manufacturer or distributor of any designated product shall offer any gifts to a health worker, including but not limited to pens, calendars, posters note pads, growth charts or toys;

(b) a manufacturer or distributor of any designated product may make contribution to a health worker for the purpose of funding the health worker's attendance at meetings, seminars, conferences, continuing education courses, or giving fellowships, study grants or for similar purposes:

Provided that the manufacturer or distributor informs the Advisory Committee and the institution to which the health worker is affiliated of the contribution; and

(c) manufacturers or distributors shall not make direct contributions to individual health workers for such purposes.

(4)(a) No manufacturer or distributor shall fund research by a health worker, including clinical research on a designated product, unless such research conforms to a protocol that has been approved by the Advisory Committee;

(b) the disclosure should include the source of funding and the name of the recipient of the research grant; and

(c) any publication resulting from such research must include a statement disclosing the source of funding.

(5) No manufacturer or distributor shall provide payments to any personnel employed within a health care facility.

PART V

INFORMATION AND EDUCATION

21. Information and education about infant-feeding

(1) Information or educational materials, whether written, audio or visual, on the topic of infant and young child feeding shall—

(a) clearly and conspicuously explain each of the following points—

(i) the importance, benefits and superiority of breast-feeding;

(ii) how to prepare for and maintain breast-feeding including maternal nutrition;

(iii) how and why early introduction of complementary foods interferes with breast-feeding;

(iv) how and why bottle-feeding interferes with breast-feeding;

(v) why it is difficult to return to breast-feeding after a period of bottle-feeding even if limited to a few feeds; and

(vi) the adverse effects of the use of pacifiers on breast-feeding;

(b) contain only factual and current information and shall not use any pictures or text that discourage breast-feeding;

(c) be written in English and Chichewa; and

(d) not make reference to the brand name of any designated product nor contain the name or logo of any manufacturer or distributor of the designated product, except by way of designating a copyright:

Provided that this paragraph shall not be applicable to information about designated products intended for health professionals.

(2) If the material referred to in subrule (1) includes the topic of feeding infants with infant formula or any other food or drink by feeding bottle, it must also include the following points—

(a) instructions for the proper preparation and use of the product including cleaning and sterilization of feeding utensils;

(b) the approximate financial cost of feeding an infant with the product for a period of six (6) months;

(c) the health hazards of bottle-feeding;

(d) the health hazards of improper preparation of the product; and

(e) how to feed infants with a cup.

(3) If the material referred to in subrule (1) includes the topic of feeding infants with complementary foods it must also explain the following points—

(a) the health hazards of introducing complementary foods before six (6) months or late; and

(b) that complementary foods can easily be prepared at home using local ingredients.

(4) Any person who produces or distributes any material referred to in this Part shall submit copies to the Advisory Committee.

PART VI

LABELS ON DESIGNATED PRODUCTS

22. Labels of designated products

The label of every designated product shall—

(a) not contain any text that may tend to discourage breast-feeding;

(b) contain the following notice, on the front, in bold and conspicuous characters, not less than 50 per cent the size of the largest words on the label and not more than 2 mm in height: “BREAST-MILK IS THE BEST FOOD FOR YOUR BABY";

(c) contain instructions for appropriate preparation in words and in easily understood graphics;

(d) indicate the age for which the product is recommended;

(e) explain clearly the health hazards of introducing the product prior to the recommended age;

(f) be written in Chichewa and English;

(g) indicate the ingredients, specifying the origin of any milk product, the composition and analysis of the product, the required storage conditions, the batch number, the date of manufacture and date before which the product is to be consumed, taking into account climatic and storage conditions;

(h) contain the name and address of the manufacturer and the distributor; and

(i) be in distinct characters and contrasting colour to the back ground.

(2) The label of every container of infant formula, in addition to the requirements specified in subrule (1) of this rule shall—

(a) not use the terms “humanized” or such similar terms nor contain any comparison with breast-milk;

(b) contain the following notice in bold characters no less than 1.5 mm in height:

“FOLLOW THE PREPARATION INSTRUCTIONS CAREFULLY OR YOUR BABY MAY BECOME ILL OR MALNOURISHED";

(c) not show any photographs of an infant or child, drawings or other graphics representation other than for illustrating method of preparation and, in no case, shall depict a feeding bottle; and

(d) in the case of infant formula, indicate the number of containers required to feed the infant during the first six months of life.

(3) The label of every container of the following products in powder or liquid form shall contain the following notices in characters no less than 2 mm in height—

(a) skimmed or condensed milk:

“THIS PRODUCT SHOULD NOT BE USED TO FEED AN INFANT OR A YOUNG CHILD";

(b) standardized milk:

“THIS PRODUCT SHOULD NOT BE USED AS THE SOLE SOURCE OF NUTRITION FOR AN INFANT OR ANY YOUNG CHILD"

(c) whole cow’s milk:

“THIS PRODUCT SHOULD NOT BE USED AS THE SOLE SOURCE OF NUTRITION FOR AN INFANT OR A YOUNG CHILD, UNLESS ADVISED BY A MEDICAL PRACTITIONER OR A NUTRITIONIST”.

(4) The label of containers of every bottle and teat shall, in addition to the requirements specified in subrule (1) in paragraphs (a), (d), (e), (f), (h) and (i) of this rule contain—

(a) “YOUR BABY MAY BECOME ILL BY USING A FEEDING BOTTLE, FEEDING WITH A CUP IS MUCH SAFER, FOLLOW THE PREPARATION INSTRUCTIONS CAREFULLY"; and

(b) instructions for proper cleaning and sterilization in words and in easily understood graphics.

(5) The label of every pacifier shall contain the following notice in characters no less than 2 mm in height—

“WARNING: USE OF A PACIFIER CAN INTERFERE WITH BREAST-FEEDING”.

PART VII

HEALTH WORKERS

23. Promotion of breast-feeding

(1) Heads of health facilities, national and local health authorities shall take measures—

(a) to promote, protect and support breast-feeding;

(b) to promote these Rules; and

(c) to give information and advice to health workers regarding their responsibilities and particularly ensure that health workers are familiar with all of the information specified in Part V.

(2) Health workers shall promote, protect and support breast-feeding and know the provisions of these Rules, particularly the information specified in Part V.

(3) Health workers shall work to eliminate practices that directly or indirectly retard the initiation and continuation of breast-feeding, such as prelacteal feeds.

24. Prohibitions

Health workers shall not—

(a) accept any gift or benefit, financial or otherwise of whatever value from a manufacturer or distributor;

(b) accept nor give samples of designated products from or to any person, except in accordance with the provision of these Rules; and

(c) promote, in any way, any designated product.

25. Written report

A health worker shall submit a written report to the head of a health facility, regarding any offer they receive of a sample or gift or other benefit from a manufacturer or distributor or any contravention of the provisions of these Rules and the head of the facility shall in turn report the matter to the Advisory Committee.

PART VIII

PENALTIES, PROCEDURES

26. Penalties

(1) Any person who contravenes the provisions of these Rules commits an offence and shall, upon conviction, be liable to a fine of K2,000 and to imprisonment for six months.

(2) Any person convicted of an offence under subrule (1) and who is again convicted of an offence under that subrule shall be liable to a fine of not less than K2,000 and to imprisonment for six (6) months.

27. Suspension or cancellation of Certificate of Registration

(1) The Minister shall have the power to make cease and desist orders upon receiving a report from an Inspector or the Advisory Committee of a violation of the provisions of these Rules.

(2) Where a person contravenes any of the provisions of these Rules the Minister may, upon written recommendation of the Advisory Committee and after giving the person an opportunity to be heard, suspend or cancel any Certificate of Registration issued to that person pursuant to these Rules.

28. Appeal

Any person aggrieved by the decision of the Minister may apply to the High Court for judicial review within thirty-five days after the decision is made.

29. Strict liability for officers directors, etc.

Where the person, guilty of an offence under these Rules is a corporation, company, partnership, firm, etc., or other association, every director, officer, partner and employee of the corporation, company, partnership, firm or other association, shall also be liable for that offence unless he proves that the offence was committed without his knowledge or consent.

30. Institution of prosecution

The Minister may refer, a matter to the Director of Public Prosecutions for prosecution where the contravention of these Rules constitutes a criminal offence.

31. Public enforcement

(1) Any person has the right to lodge a formal complaint to the Advisory Committee which may recommend that proceedings be instituted against any person relating to a violation of any provision that constitutes an offence under these Rules.

(2) Any person has the right to commence an action for damages in a court of law against any manufacturer or distributor or other person for any harm suffered as a result of violation of any provision that constitutes an offence under these Rules.

SCHEDULE

REGISTRATION FEES

	Category	Amount to be paid annually
		K t
1.	Manufacturers, importers or wholesalers	5,000 00
2.	Retailers	1,000 00