

ORDER IN COUNCIL

XIX

1948

Ratifying a Projet de Loi entitled

“The Public Health (Vermin) (Guernsey) Law, 1948”.

(Registered on the Records of the Island of Guernsey
on the 30th day of October, 1948.)



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1948.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of October, 1948, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff; present : Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., James Frederick Carey, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 8th day of October, 1948, ratifying a *Projet de Loi* entitled "The Public Health (Vermin) (Guernsey) Law, 1948",—the Court, after the reading of the said Order in Council and after having heard His Majesty's *Procureur*, ordered that the said Order in Council be registered on the Records of this Island, of which Order in Council the tenor followeth :

At the Court at Buckingham Palace,

The 8th day of October, 1948.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT.

MR. SECRETARY CREECH JONES.

MAJOR MILNER.

MR. BARNES.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords

of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 6th day of October, 1948, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

‘1.—That, in pursuance of their Resolution of the 14th day of February, 1948, the States of Deliberation at a meeting held on the 4th day of June, 1948, approved a Bill or “Projet de Loi” entitled “The Public Health (Vermin) (Guernsey) Law, 1948” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2.—That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Public Health (Vermin) (Guernsey) Law, 1948,” and to order and direct that the same shall have force of Law in the Islands of Guernsey, Herm and Jethou.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the

said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

AND HIS MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

E. C. E. Leadbitter.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

"The Public Health (Vermin) (Guernsey)
Law, 1948."

THE STATES, in pursuance of their Resolution of the 14th day of February, 1948, have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island and the Islands of Herm and Jethou.

1. (1) Where it appears to the Board upon a certificate from the Medical Officer of Health or a sanitary inspector that any premises used for human habitation—

Cleansing of
filthy or
verminous
premises.

(a) are in such a filthy or unwholesome condition as to be prejudicial to health ; or

(b) are verminous,

the Board may give notice to the owner or occupier of the premises requiring him to take such steps to remedy the condition of the premises by cleansing, disinfecting and white washing them, as may be specified in the notice, and in the case of verminous premises the notice may require, among other things, the removal of the wallpaper or other covering on the walls, and the taking of such other steps as may be necessary for the purpose of destroying or removing vermin.

(2) If a person on whom a notice under this section is served fails to comply with the requirements thereof, the Board may itself carry out the requirements and recover from him the expenses reasonably incurred in so doing, and without prejudice to the right of the Board to exercise that power, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor :

PROVIDED that in any proceedings under this sub-section it shall be a defence to any defendant to show that the Board's requirements, or its decision to address its notice to him and not to the occupier or, as the case may be, the owner of the premises, are unreasonable.

(3) Where the Board takes action on the ground set out in paragraph (b) of subsection (1) of this section, the notice may require that the Board shall be allowed to employ gas for the purpose of destroying vermin on the premises, but in that case the notice shall be served both on the owner and on the occupier of the premises, and the Board shall bear the cost of its operations and may provide temporary shelter or house accommodation for any person compelled to leave any premises by reason of those operations.

Cleansing
or destruction
of
filthy or
verminous
articles.

2. Where it appears to the Board upon a certificate of the Medical Officer of Health or a sanitary inspector that any article in any premises—

- (a) is in so filthy a condition as to render its cleansing, purification or destruction necessary in order to prevent injury, or danger of injury, to the health of any person in the premises ; or
- (b) is verminous or, by reason of its having been used by, or having been in contact with,

any verminous person, is likely to be verminous,

the Board may cause that article to be cleansed, purified, disinfected or destroyed, as the case may require, at the Board's expense, and, if necessary for that purpose, to be removed from the premises.

3. (1) In relation to any vessel the provisions of this law shall have effect as if—

- (a) the vessel were a house or building; and Vessels.
- (b) the master, or other officer or person in charge, of the vessel were the occupier.

(2) This section shall not apply to any vessel belonging to His Majesty or under the command or in charge of an officer holding His Majesty's commission, or to any vessel belonging to a foreign government.

4. The provisions of this Law shall apply to tents, vans, sheds and similar structures used for human habitation as they apply to other premises and as if a tent, van, shed or similar structure used for human habitation were a house or building so used. Tents and vans.

5. (1) Upon the application of any person, the Board may take such measures as are, in its opinion, necessary to free him and his clothing from vermin. Cleansing of verminous persons and their clothing.

(2) Where it appears to the Board, upon a report from the Medical Officer of Health or from a sanitary inspector, that any person, or the clothing of any person, is verminous, then, if that person consents to be removed to the cleansing station, the Board may cause him to be removed to such a station, and, if he does not so consent, the Board may apply to the Police Court, and the Court, if satisfied that it is necessary that he or his clothing should be cleansed, may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order.

(3) Where a person has been removed to a cleansing station in pursuance of the last foregoing subsection, the Board shall take such measures as may, in their opinion, be necessary to free him and his clothing from vermin.

(4) The cleansing of females under this section shall be carried out only by a registered medical practitioner, or by a woman authorised by the Medical Officer of Health.

(5) Any consent required to be given for the purposes of this section may, in the case of a person under the age of sixteen years or of a person under guardianship by reason of his mental illness, be given on his behalf by his parent or guardian.

(6) No charge shall be made in respect of the cleansing of a person or his clothing, or in respect of his removal to, or maintenance in, a cleansing station under this section.

(7) The powers conferred on the Board by this Law shall be in addition to, and not in derogation from, any power in relation to the cleansing of children which may be exercisable by any States education authority.

**School
Children.**

6. (1) The Education Council may, by directions in writing issued in respect of any school authorise the School Medical Officer to cause examinations of the persons and clothing of pupils in attendance at such school to be made whenever in his opinion such examinations are necessary in the interests of cleanliness.

(2) Any such examination as aforesaid shall be made by a person authorised by the Education Council to make such examinations, and if the person or clothing of any pupil is found upon such an examination to be infested with vermin or in a foul condition, any person authorised by the Education Council may serve upon the parent or guardian of the pupil a notice requiring him to cause the person and clothing of the pupil to be cleansed.

(3) A notice served under the last foregoing subsection shall inform the person upon whom it is served that unless within the period limited by the notice, not being less than twenty-four hours after the service thereof, the person and clothing of the pupil to whom the notice relates are cleansed to the satisfaction of such person as may be specified in the notice the cleansing of that pupil and his clothing will be carried out under arrangements made by the Education Council; and if, upon a report being made to him by such specified person at the expiration of that period, the School Medical Officer is not satisfied that the person and clothing of the pupil have been properly cleansed, the Education Council or any person authorised by them may issue an order directing that the person and clothing of the pupil be cleansed under such arrangements.

(4) The Education Council shall make arrangements to secure that any person or clothing required under this section to be cleansed may be cleansed (whether at the request of a parent or in pursuance of an order issued under this section) at suitable premises by suitable persons and with suitable appliances.

(5) Where an order has been issued under this section directing that the person and clothing of a pupil be cleansed under arrangements made by the Education Council, the order shall be sufficient to authorise any officer of the Education Council to cause the person and clothing of the pupil named in the order to be cleansed in accordance with arrangements made under the last foregoing subsection, and for that purpose to convey him to, and detain him at, any premises provided in accordance with such arrangements.

(6) If, after the cleansing of the person or clothing of any pupil has been carried out under this section, his person or clothing is again found

to be infested with vermin or in a foul condition at any time while he is in attendance at a school and it is proved that the condition of his person or clothing is due to neglect on the part of his parent or guardian, the parent or guardian shall be liable on summary conviction to a fine not exceeding twenty shillings.

(7) Where the School Medical Officer or the person in charge of any school suspects that the person or clothing of any pupil in attendance at a school is infested with vermin or in a foul condition, but action for the examination or cleansing thereof cannot immediately be taken, he may, if he considers it necessary so to do either in the interest of the pupil or of other pupils in attendance at the school, direct that the pupil be excluded from the school until such action has been taken; and such a direction shall be a defence to any proceedings in respect of the failure of the pupil to attend school on any day on which he is excluded in pursuance of the direction, unless it be proved that the issue of the direction was necessitated by the wilful default of the pupil or his parent.

(8) No girl shall be examined or cleansed under the powers conferred by this section except by a duly qualified medical practitioner or by a woman authorised for that purpose by the Education Council.

Provision of
cleansing
stations.

7. The Board may provide such cleansing stations as may be necessary for the discharge of its functions under any of the provisions of this Law.

Summary
proceedings.

8. Any offence under this Law shall be prosecuted before the Police Court.

Continuing
offences and
penalties.

9. Where provision is made by or under this Law for the imposition of a daily penalty in respect of a continuing offence, the Court may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the Court and, where the Court has fixed

such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

10. No matter or thing done, and no contract entered into by the Board or the Education Council, and no matter or thing done by any member or officer of the Board or of the Education Council or other person whomsoever acting under the direction of the Board or of the Education Council, shall, if the matter or thing were done or the contract were entered into in good faith for the purpose of executing this Law, subject them or any of them personally to any action, liability, claim or demand whatsoever; and any expense incurred by the Board or by the Education Council or by such member, officer or other person acting as last aforesaid shall be borne and repaid out of moneys provided for that purpose by the States of Guernsey.

Protection of members of the Board and their officers from personal liability.

11. (1) Subject to the provisions of this section, any person authorised by the Board shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—

Power of entry.

- (a) for the purpose of ascertaining whether or not circumstances exist on or in connection with those premises which would authorise or require the Board to take any action, or execute any work, under this Law or any Ordinance made thereunder;
- (b) for the purpose of taking any action, or executing any work, authorised by this Law or any such Ordinance, or any order made under this Law, to be taken, or executed, by the Board;
- (c) generally, for the purpose of the performance by the Board of its functions under this Law or any such Ordinance:

PROVIDED that admission to any premises, not being a factory, workshop

or workplace, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of the Police Court—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that a request for admission would defeat the object of the entry ; and
- (b) that there is reasonable ground for entry into the premises for any such purpose as is specified in this section,

the Court may by warrant authorise the Board by any authorised officer to enter the premises, if need be by force :

PROVIDED that such a warrant shall not be issued unless the Court is satisfied either that a notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in the factory, workshop or workplace with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

12. A person who wilfully obstructs any person acting in the execution of his duties under this Law or any Ordinance, order or warrant made or issued thereunder shall, in any case for which no other provision is made by this Law or by the Ordinance in question, be liable to a fine not exceeding five pounds.

Penalty
for
obstructing
execution
of the
Law.

13 (1) The Board shall make full compensation to any person who has sustained damage by reason of the exercise by the Board of any of its powers under this Law in relation to a matter as to which he has not himself been in default.

Compensation
for damage.

(2) Any dispute arising under this section as to the fact of damage, the default of any person or the amount of compensation shall be determined by the Royal Court sitting as an Ordinary Court, whose decision shall be final.

14. The Royal Court may pass such Ordinances as it may from time to time deem necessary to give effect to this Law.

Power of
Court
to make
Ordinances.

15. In this Law, where the context so admits, the following expressions shall have the meanings hereby respectively assigned to them—

Interpre-
tation.

"Board" means the States Board of Health;

"premises" includes buildings, lands and hereditaments of any tenure;

"sanitary inspector" shall have the same meaning as in the Loi relative à la Santé Publique, 1934 ;

"School Medical Officer" means the School Medical Officer appointed by the Education Council ;

"vermin", in its application to insects and parasites, includes their eggs, larvæ and pupæ, and the expression "verminous" shall be construed accordingly ;

"vessel" includes any ship or boat, or any other description of vessel used in navigation.

Repeal.

16. Clause (a) of sub-paragraph (i) of paragraph (3) of Section 23 of the Loi relative à l'Instruction Primaire et aux Fonctions du Conseil d'Education et des Comités d'Education Paroissiaux, 1935, as amended by the Education (Amendment) Law (Guernsey), 1938, is hereby repealed, save that such repeal shall not affect the validity of any proceedings taken, or penalty or punishment imposed, or any other thing done in virtue of that Law prior to the commencement of this Law.

JAMES E. LE PAGE,

H.M. Greffier.