

# ORDRE EN CONSEIL

IV.  
1934

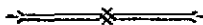
Ratifiant un Projet de Loi intitulé

**Loi relative à la Santé Publique, 1934.**

(Enregistré sur les Records de l'Île de Guernesey le  
17 mars 1934.)



# ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ILE DE GUERNESEY.

*Le 17 mars 1934, pardevant Arthur William Bell, écuyer, Baillif; présents: William de Prélaz Crousaz, Jean Allès Simon, John Roussel, Osmond Priaulx Gallienne, Arthur Dorey, Geoffrey Alfred Carey, Ernest de Garis, Jean Nicolas Robin, Sidney Beckwith Mainguy, Cyril de Putron et Aylmer Mackworth Drake, écuyers, Jurés.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 26 février 1934 ratifiant un Projet de Loi intitulé "Loi relative à la Santé Publique, 1934." La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions du Contrôle du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette Ile, duquel Ordre la teneur suit :—

**At the Court at Buckingham Palace,**

The 26th day of February, 1934.

**Present,**

**The King's Most Excellent Majesty**

LORD PRESIDENT

MASTER OF THE HORSE

LORD STANLEY

SECRETARY SIR JOHN SIMON

MR. NORMAND

SIR FREDERIC MAUGHAM.

**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 19th day of February, 1934, in the words following, viz. :—

LE 17 MARS 1934

**"Your Majesty** having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

'1. That for the reasons set forth in the preamble thereof, the Royal Court on the 14th day of October, 1933, adopted a Bill or *Projet de Loi*, prepared by the Law Officers of the Crown, and requested the Bailiff to submit the same to the States for their consideration. 2. That on the 29th day of November, 1933, the said Bill or *Projet de Loi* was duly considered by the States, when a resolution was passed approving the same and authorising the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. That the said Bill or *Projet de Loi* is intituled "*Loi relative à la Santé Publique, 1933,*" and is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or *Projet de Loi* of the States of Guernsey intituled "*Loi relative à la Santé Publique, 1933,*" and to order and direct that the same shall have the force of Law within the Island of Guernsey.'

**"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 Island of Guernsey.

**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 or 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.

*M. P. A. Hankey.*

**PROJET DE LOI referred to in the foregoing Order  
in Council.**

**LOI RELATIVE À LA SANTÉ PUBLIQUE, 1934.**

Attendu que toutes matières touchant la Santé Publique dans l'Ile de Guernesey ont été et sont de temps en temps réglées par Ordonnance de la Cour Royale.

Attendu que les Etats, par leur délibération du 8 mars 1933 ont été d'avis que les droits et pouvoirs des autorités sanitaires d'entrer et de faire inspection des maisons et autres prémisses et d'y faire remédier aux conditions insalubres qui pourraient s'y trouver, seraient plus assurés en statuant par loi sur cette matière.

Les Etats ont approuvé les dispositions suivantes rédigées en anglais, lesquelles moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de loi en cette Ile.

**1.—In this law**

(1) The expression "sanitary inspector" shall include the Medical Officer of Health, every officer subordinate to him appointed by the States Board of Health to perform duties of inspection, the Constables of the several parishes of the Island, acting within their respective parishes, and any of them.

(2) The expression "Medical Officer of Health" means the Medical Officer of Health appointed by the States and shall include the Deputy or Acting Medical Officer of Health for the time being.

(3) The expression "Sanitary Authority" includes the States Board of Health, the Medical Officer of Health, and the Constables of the several parishes of the Island acting within their respective parishes, and any of them.

(4) The expression "nuisance" shall apply to—

(a) Any premises or part of premises or any fixture or appliance therein in such a state as to be a nuisance or injurious to health;

(b) Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain or ashpit so foul or

- in such a state as to be a nuisance or injurious to health ;
- (c) Any animal so kept as to be a nuisance or injurious to health ;
  - (d) Any accumulation or deposit which is a nuisance or injurious to health ;
  - (e) Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family ;
  - (f) Any occupied dwelling house—
    - (i) for which a supply of water for domestic purposes is not readily available, or,
    - (ii) which is not adequately provided with domestic cooking facilities, or with sanitary installation or appliances.
  - (g) Any shop, factory, workshop, or workplace—
    - (i) not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein ;
    - (ii) not adequately provided with sanitary installation or appliances for the use of the persons employed or intended to be employed at one time therein.
  - (h) Any building or premises in or on which any trade, business, process or manufacture causing effluvia, noise or vibration, which is certified by the Medical Officer of Health, or by any ten ratepayers inhabiting the neighbourhood of such building or

premises, to be a nuisance or injurious to the health of any of the inhabitants of such neighbourhood, and is so found by the Court;

- (i) Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used as a destructor or for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, gas-work or laundry, or in any manufacturing or trade process whatsoever;
- (j) Any chimney (not being the chimney of a private dwelling house) sending forth smoke, soot, ash, grit or gritty particles in such quantity as to be a nuisance;
- (k) Any cistern used for the supply of water for domestic purposes so placed, constructed or kept as to render the water therein liable to contamination, causing or likely to cause risk to health;
- (l) Any gutter, drain, shoot, stack-pipe, or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building, so as to be dangerous or injurious to health; and
- (m) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health.

Provided—

Firstly, That where in any Ordinance a penalty is prescribed in respect of a nuisance caused by an accumulation or deposit it shall be enacted that a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on of any business or manufacture if it be proved to

the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health;

Secondly, That where a person is summoned before any Court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the Court shall hold that no nuisance is created within the meaning of this Law and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

2.—(1) A sanitary inspector shall have a right to enter from time to time with or without previous notice at the discretion of the Medical Officer of Health, any premises, whether a building, vessel, tent, van, shed, structure or place, open or enclosed between the hours of ten o'clock in the morning and six o'clock in the evening or in the case of a nuisance arising in respect of any business, then at any hour when that business is in progress or is usually carried on—

(a) for the purpose of examining as to the existence therein or thereon of any nuisance liable to be dealt with under this Law or under any Ordinance of the Royal Court, and

(b) where under this Law a nuisance has been



ascertained to exist, or the owner or occupier has been notified by the Medical Officer of Health or a Constable or ordered by the Court to abate a nuisance or to execute any works in relation thereto then, until the nuisance is abated, or the works ordered to be done are completed, and

- (c) where an order of the Court concerning a nuisance has not been complied with, or has been infringed, for the purpose of executing the order. For the purpose of this paragraph workmen acting under the authority of the Medical Officer of Health shall also have right of entry.

(2) A sanitary inspector, with or without assistants authorised by the Medical Officer of Health, shall have a right of entry from time to time upon any such premises as aforesaid at any hour of the day or night for the purpose of executing or enforcing the execution of any enactment for the time being in force relating to contagious, infectious or notifiable diseases.

(3) When a sanitary inspector who demands entry upon premises under this section is an officer appointed by the Board of Health and subordinate to the Medical Officer of Health he shall, if required, produce some written document signed by the President or Acting President of the Board of Health or by the Medical Officer of Health showing his authority to enter and perform the duties for which such entry is demanded.

3.—(1) Any person refusing or failing to admit any person who is authorised and claims to enter upon premises under the preceding section and has satisfied the requirements of sub-section (3) of that section in the case to which it applies shall be liable to a fine not exceeding five pounds.

(2) If the Bailiff is satisfied by information on oath that there is reasonable ground for such entry,

and that there has been a refusal or failure to admit to such premises, the Bailiff may by warrant under his hand authorise the sanitary authority or their officers or other person, as the case may require, to enter the premises, and if need be by force, with such assistants as they or he may require, and there execute their duties under this Law or under any other enactment applicable to the case.

(3) Any person obstructing the execution of any such warrant shall be liable on summary prosecution and conviction in the Magistrate's Court to a fine not exceeding twenty pounds.

(4) The warrant shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) Where a house or part of a house is alleged to be overcrowded so as to be a nuisance, a warrant under this section may authorise an entry into such house or part of a house at any hour of the day or night specified in the warrant.

4.—The Royal Court may from time to time by Ordinance enact all measures relating to public health and sanitation and the abatement of nuisances including measures empowering the sanitary authority to issue notices ordering the abatement of nuisances specifying the work to be done therein, prohibiting their recurrence and ordering the closing of dwellings which by reason of a nuisance therein are unfit for human habitation and providing for the confirmation or modification and enforcement by the Court of orders so given under appropriate penalties and for affording opportunities to the parties to be heard therein, and also including measures providing in cases of default for the execution by the sanitary authority of works necessary for the abatement and prevention of nuisances and determining the several liabilities of owners and of occupiers of premises in respect thereof with power to extend the jurisdiction of the Magistrate's Court

and of the Ordinary Court in relation to any of the said matters, and generally such measures as may be required to give effect to this Law.

5.—The Law intituled " Loi relative à la Fumée produite par les Fourneaux dans la Ville et paroisse de Saint Pierre-Port " sanctioned by an Order of His Majesty in Council of the fifth day of June, eighteen hundred and fifty-eight, registered on the twelfth day of June of the same year is hereby repealed. Provided that this repeal shall not affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment in the Law so repealed nor any investigation, legal proceedings or remedy in respect of any such penalty, forfeiture or punishment and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Law had not been passed.

QUERTIER LE PELLEY,  
Greffier du Roi.