



LAWS OF KENYA



## **PUBLIC HEALTH ACT**

CHAPTER 242

Revised Edition 2012 [1986]

Published by the National Council for Law Reporting  
with the Authority of the Attorney-General

[www.kenyalaw.org](http://www.kenyalaw.org)



**CHAPTER 242****PUBLIC HEALTH ACT**

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SCHEDULE

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## CHAPTER 242

## PUBLIC HEALTH ACT

*[Date of Commencement: 6th September, 1921.]***An Act of Parliament to make provision for securing and maintaining health**

[Cap. 130 of (1948), Act No. 39 of 1956, L.N. 187/1956, L.N. 188/1956, L.N. 172/1960, L.N. 173/1960, Act No. 28 of 1961, Act No. 36 of 1962, Act No. 44 of 1962, L.N. 142/1963, L.N. 256/1963, L.N. 2/1964, L.N. 365/1964, Act No. 21 of 1966, L.N. 41/1970, Act No. 14 of 1971, Act No. 16 of 1977, Act No. 15 of 1990, Act No. 2 of 2002, Act No. 17 of 2006, Act No. 12 of 2012.]

## PART I – PRELIMINARY

**1. Short title**

This Act may be cited as the Public Health Act.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“**adult**” means a person of eighteen years of age or over;

“**approved**” and “**prescribed**” means respectively approved or prescribed by the Minister or the board or by the appointed officers or by the regulations framed under this Act as the case may be;

“**basement**” means any cellar, vault or underground room;

“**board**” means the Central Board of Health constituted under section 3;

“**building**” includes any structure whatsoever for whatever 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;

“**child**” means a person under eighteen years of age;

“**commercial area**” means any area in any municipality, township or district which the Minister may, by order, define;

“**dairy**” means any farmhouse, cow-shed, milk-shop, milk-store or other place from which milk is supplied on, or for, sale, or in which milk is kept or used for purposes of sale or in which only surplus milk is manufactured into butter or cheese, or in which vessels used for the sale of milk are kept, but does not include premises from which milk is not supplied otherwise than in receptacles which are properly closed and sealed on delivery to the premises and which remain properly closed and sealed during the whole time from their delivery to the premises until their removal by the purchaser;

“**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 the dairy;

“**drain**” means any drain used for the drainage of one building only, or of premises within the same curtilage and made merely for the purpose of

communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed;

**“drainage authority”** means the Ministry of Works or any other authority that the Minister may appoint for any particular area;

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

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

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

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

**“health authority”**, in relation to the area of a municipality, means the municipal council of the municipality concerned, and, in relation to any other area, means the Minister;

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

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

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

**“keeper of a lodging-house”** means any person licensed to keep a lodging-house;

**“land”** includes any right over or in respect of immovable property;

**“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;

**“magistrate”** means any magistrate empowered to hold a subordinate court of the first, second or third class;

**“meat inspector”** means any person employed by a health authority to inspect any meat;

**“medical officer of health”** means—

- (a) the Director of Medical Services; and
- (b) in relation to the area of any municipality, the duly appointed medical officer of health of the municipality including a public officer seconded by the Government to hold such office; and

- (c) in relation to any other area a medical officer of health appointed by the Minister for that area;

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

**“medical surveillance”** means the keeping of a person under medical supervision; persons under such surveillance may be required by the medical officer of health or any duly authorized officer to remain within a specified area or to attend for medical examination at specified places and times;

**“the Minister”** means the Minister for the time being responsible for matters relating to Health;

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

**“offensive trade”** includes the trades of blood-boiler, bone-boiler, fell-monger, soap-boiler, tallow-melter and tripe-boiler, and any other noxious or offensive trade, business or manufacture whatsoever;

**“this Act”** includes any rules or order made thereunder;

**“owner”**, as regards immovable property, includes any person, other than the Government, receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person, other than the 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 holding;

**“parent”** means the father and the mother of a child, whether legitimate or not;

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

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

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

**“rules”** includes regulations and by-laws made or deemed to be made under this Act;

**“slaughterhouse”** means any premises set aside for the purpose of the slaughter of animals for human consumption;

**“stock”** means all domesticated animals of which the flesh or milk is used for human consumption;

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

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

“**veranda**” includes any stage, platform or portico projecting from the main wall of any building;

“**veterinary officer**” means a veterinary surgeon in the employment of the Government;

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

[L.N. 187/1956, Sch., L.N. 172/1960, Sch., Act No. 28 of 1961, Sch., Act No. 36 of 1962, Sch., L.N. 256/1963, Fourth Sch., Act No. 21 of 1966, First Sch., L.N. 41/1970, Sch.]

## PART II – ADMINISTRATION

### 3. Central Board of Health

(1) There shall be established a Central Board of Health (hereinafter referred to as the board), having its seat at Nairobi, which shall consist of the Director of Medical Services (who shall be chairman), a sanitary engineer, or such person as may be appointed by the Minister to perform the duties of sanitary engineer, a secretary, and such other person or persons not exceeding six (three of whom shall be medical practitioners) as are appointed from time to time by the Minister.

(2) In the absence of the Director of Medical Services the board shall elect a chairman from the members present.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

### 4. Appointments to be gazetted

The names of all members appointed to the board shall be forthwith notified in the *Gazette* and any number of the *Gazette* containing a notice of any such appointment shall be deemed sufficient evidence thereof for all purposes.

### 5. Filling vacancies

The Minister shall, as soon as possible, fill up vacancies occurring in the board, but the board shall continue to exercise its powers as long as there shall remain on the board at least five members of whom the Director of Medical Services is one.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

### 6. Substitute members

If any member of the board is at any time prevented by absence or other cause from acting, the Minister may appoint some other person to replace such member until he returns or is able to resume his functions.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

**7. Rules as to meetings of board, etc.**

The Minister may make rules as to the convening and holding meetings of the board, the quorum thereof, the procedure thereat, allowances payable to members thereof and the circumstances in which any member shall vacate his membership.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

**7A. Committees**

The board may appoint committees, whether of its own members or otherwise, to carry out general or specific functions as may be specified by the board and may delegate to any such committee such of its powers as the board may deem appropriate.

[Act No. 15 of 1990, s. 2.]

**7B. Establishment of district health management boards**

(1) There shall be established a district health management board in each district which shall be charged with responsibility of overseeing the running of Government health institutions in that district.

(2) The Minister may make rules as to the composition of the district health management boards, the convening and holding of meetings of the boards, the procedure thereat, allowances payable to members thereof and the circumstances in which any member shall vacate his membership.

[Act No. 15 of 1990, s. 2.]

**8. Functions of board**

The functions of the board shall be to advise the Minister upon all matters affecting the public health, and particularly upon all matters mentioned in subsection (2) of section 10.

[Act No. 28 of 1961, Sch., L.N. 256/1963, 4th Sch.]

**9. Appointment and duties of officers**

(1) There shall from time to time be appointed a Director of Medical Services, a Deputy Director of Medical Services, assistant directors of medical services, medical officers of health, assistant medical officers of health, medical officers, pathologists, health inspectors, port health officers and such other officers as may be deemed necessary.

(2) Notwithstanding subsection (1), any municipal council may, with the approval of the Minister, and shall if so directed by the Minister for the time being responsible for Local Government with the approval of the Minister, appoint for its area a medical officer of health and such deputy and assistant medical officers of health and such health inspectors as it may deem necessary.

(3) The Minister, in consultation with the Minister for the time being responsible for Local Government, may prescribe the qualifications to be held by, the mode and terms of engagement of, and the duties to be performed by, all or any of the officers and inspectors referred to in subsection (1).

(4) Every medical officer and every medical officer of health appointed under this section shall be a medical practitioner.

(5) The officers appointed under this section shall carry out such duties in relation to public health as the Director of Medical Services may respectively assign to them.

(6) The Director of Medical Services or Deputy Director of Medical Services or any assistant director of medical services, medical officer of health, assistant medical officer of health, port health officer or health inspector acting on his authority and behalf shall also make any necessary inquiries and inspections in regard to or advise local authorities on any matter incidental to public health.

[Act No. 44 of 1962, Sch., L.N. 365/1964, Sch., L.N. 41/1970, Sch.]

#### **10. Functions of Medical Department**

(1) There shall be a department, to be known as the Medical Department, which shall be under the control of the Director of Medical Services.

(2) The functions of the Medical Department shall be, subject to the provisions of this Act, to prevent and guard against the introduction of infectious disease into Kenya from outside; to promote the public health and the prevention, limitation or suppression of infectious, communicable or preventable disease within Kenya; to advise and direct local authorities in regard to matters affecting the public health; to promote or carry out researches and investigations in connexion with the prevention or treatment of human diseases; to prepare and publish reports and statistical or other information relative to the public health; and generally to carry out in accordance with directions the powers and duties in relation to the public health conferred or imposed by this Act.

(3) It shall be the duty of the department to obtain and publish periodically such information regarding infectious disease and other health matter in Kenya, and such procurable information regarding epidemic disease in territories adjacent to Kenya or in other countries, as the interests of the public health may require.

#### **11. Power to direct inquiries**

The Minister may, on the advice of the board or of the Medical Department, cause to be made such inquiries as he may see fit in relation to any matters concerning the public health in any place.

[Act No. 28 of 1961, Sch.]

#### **12. Powers of persons directed to make inquiries**

When an inquiry is directed to be made by the Minister, the person directed to make the same 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 magistrates by the Criminal Procedure Code (Cap. 75), 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.

[Act No. 28 of 1961, Sch.]

#### **13. General duties of health authorities**

It shall be the duty of every health authority to take all lawful, necessary and, under its special circumstances, reasonably 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.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

#### **14. Proceedings on complaint to board of municipal councils**

(1) Whenever complaint is made to the board that the public health in any locality is endangered by the failure or refusal on the part of any municipal council to exercise its powers or perform the duties devolving upon it under this Act or any other Act which it is its duty to enforce, the Minister on the recommendation of the board, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may make an order directing the municipal council to perform its duty in the matter of such complaint, and prescribing a time for such performance.

(2) If the duty is not performed within the time prescribed in the order, the Minister may appoint some person to perform the duty, and shall by order direct that the expense of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, shall be paid by the municipal council in default, and any order made for the payment of such expenses and costs may be recovered in a court of competent jurisdiction.

(3) Any person appointed under this section to perform the duty of a defaulting municipal council shall, in the performance and for the purposes of that duty, have all the powers of such municipal council, other than the powers of levying rates vested in any municipal council 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.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch., Act No. 28 of 1961, Sch., L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

#### **15. Minister to be consulted over municipal council by-laws**

The Minister for the time being responsible for Local Government shall, before approving any by-law made by a municipal council affecting public health, obtain the agreement of the Minister for the time being responsible for Health.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch., L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

#### **16. Provisions of Act in relation to other Acts**

(1) Except as is specially provided in this Act, the provisions of 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.

(2) If the provisions of any earlier Act are in conflict or inconsistent with this Act, the provisions of this Act shall prevail.

### **PART III – NOTIFICATION OF INFECTIOUS DISEASES**

#### **17. Application of Part**

(1) The provisions of this Act, unless otherwise expressed, shall, so far as they concern notifiable infectious diseases, apply to smallpox, plague, cholera, scarlatina or scarlet fever, typhus fever, diphtheria or membranous croup, measles, whooping-cough, erysipelas, puerperal fever (including septicaemia,



pyaemia, septic pelvic cellulitis or other serious septic condition occurring during the puerperal state), enteric or typhoid fever (including para-typhoid fever), epidemic cerebro-spinal meningitis or cerebro-spinal fever, acute poliomyelitis, leprosy, anthrax, glanders, rabies, malta fever, sleeping sickness or human trypanosomiasis, beri-beri, yaws and all forms of tuberculosis which are clinically recognizable apart from reaction to the tuberculin test.

(2) The Minister may, by notice in the *Gazette*—

- (a) declare that any infectious disease other than those specified in subsection (1) shall be notifiable diseases under this Act;
- (b) declare that only such provisions of this Act as are mentioned in such notice shall apply to any notifiable infectious disease;
- (c) restrict the provisions of this Act, as regards the notification of any disease, to any area defined in such notice.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch., L.N. 41/1970, Sch.]

## **18. Notification of infectious diseases**

(1) Where an inmate of any building used for human habitation is suffering from any notifiable infectious disease, unless such building is a hospital in which persons suffering from any notifiable infectious disease are received, the following provisions shall have effect—

- (a) the head of the family to which such inmate (in this Act referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the building or in their default the person in charge of or in attendance on the patient, and in default of any such person the occupier of the building, shall, as soon as he becomes aware that the patient is suffering from any notifiable infectious disease to which this Act applies, send notice thereof to the nearest medical officer of health;
- (b) every medical practitioner attending on or called in to visit the patient shall forthwith on becoming aware that the patient is suffering from any notifiable infectious disease to which this Act applies send 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; and shall also inform the head of the household or the occupier of the premises or any person in attendance on such patient of the infectious nature of the disease and the precautions to be taken to prevent its conveyance to others;
- (c) 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;
- (d) every medical practitioner who becomes aware, by post-mortem examination or otherwise, that any person has died of a notifiable infectious disease shall immediately furnish a written certificate thereof to the nearest medical officer of health, and shall also inform the head of the household or the occupier of the premises or any



person who has been in attendance on such diseased person of the infectious nature of the disease and the precautions to be taken to prevent its conveyance to others.

(2) Every person required by this section to give a notice or certificate and who fails to give the same shall be guilty of an offence and liable to a fine not exceeding eighty shillings:

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 guilty of an offence if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

#### **19. Fees for certificates**

The health 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 four shillings if the case occurs in his private practice.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

#### **20. Manner of sending notices and certificates**

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

### **PART IV – PREVENTION AND SUPPRESSION OF INFECTIOUS DISEASES**

#### *A—General Provisions*

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

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

#### **22. Health authority to cause premises to be cleansed and disinfected**

(1) Where any medical officer of health is of opinion that the cleansing and disinfecting of any building or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be his duty to give notice in writing to the owner or occupier of such building or part thereof, specifying the steps to be taken to cleanse and disinfect such building or part thereof and articles within a time specified in such notice.

(2) If the person to whom notice is so given fails to comply therewith, he shall be guilty of an offence and liable to a fine not exceeding two hundred shillings for every day during which he continues to make default; and the health authority or medical officer of health may cause such building or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default as a civil debt recoverable summarily.

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

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

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

Any health authority may direct the destruction of any building, bedding, clothing or other articles which have been exposed to infection from any infectious disease, or in the opinion of the medical officer of health are infected, and may give compensation for the same.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

### **24. Provision of means of disinfection**

Any health authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge, and any such direction shall be sufficient authority for a medical officer of health or sanitary inspector or person authorized thereto to destroy the same.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

### **25. Provision of conveyance for infected persons**

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

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

### **26. Removal to hospital of infected persons**

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

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

### **27. Isolation of persons who have been exposed to infection**

Where, in the opinion of the medical officer of health, any person has recently been exposed to the infection, and may be in the incubation stage, of any notifiable infectious disease and is not accommodated in such manner as adequately to guard against the spread of the disease, such person may, on a certificate signed by the medical officer of health, be removed, by order of a magistrate and at the cost of the local authority of the district where such person

is found, to a place of isolation and there detained until, in the opinion of the medical officer of health, he is free from infection or able to be discharged without danger to the public health, or until the magistrate cancels the order.

## **28. Penalty for exposure of infected persons and things**

Any person who—

- (a) while suffering from any infectious disease, wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, inn or public conveyance, or enters any public conveyance without previously notifying the owner, conductor or driver thereof that he is so suffering; or
- (b) being in charge of any person so suffering, so exposes such sufferer; or
- (c) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disease,

shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding three years or to both; and a person who, while suffering from any such disease, enters any public conveyance without previously notifying the owner or driver that he is so suffering shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expenses they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance:

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

[Act No. 2 of 2002, Sch.]

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

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

[Act No. 2 of 2002, Sch.]

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

(1) Any person who knowingly lets for hire any dwelling or premises or part thereof in which any person has been suffering from an infectious disease without having the same and all articles therein liable to retain infection efficiently disinfected to the satisfaction of a medical officer of health as testified by a certificate signed by him shall be guilty of an offence and liable to a fine not exceeding eighty thousand shillings.

(2) This section shall apply to any owner or keeper of an hotel or boarding-house who lets any room or part thereof to any person.

[Act No. 2 of 2002, Sch.]

**31. 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 dwelling or premises or part thereof who, on being questioned by any person negotiating for the hire of such house as to the fact of there being or within six weeks previously having been therein any person suffering from any infectious disease, knowingly makes a false answer to such question shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

*B—Hospitals***32. Power of municipal council to provide hospital**

(1) Any municipal council with the sanction of the board may provide for the use of the inhabitants of its area hospitals or temporary places for the reception of the sick, and for that purpose may—

- (a) themselves build such hospitals or places of reception; or
- (b) contract for the use of any such hospital or part of a hospital or place of reception; or
- (c) enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their area, on payment of such annual or other sum as may be agreed on.

(2) Deleted by L.N. 41/1970, Sch..

[L.N. 41/1970, Sch.]

**33. Recovery of cost of maintaining patient in hospital**

Any expenses incurred by a municipal council in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such hospital), a patient who is not a pauper shall be deemed to be a debt due from such patient to the municipal council, and may be recovered from him after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

[L.N. 41/1970, Sch.]

**34. Power to provide temporary supply of medicine**

Any municipal council may, with the sanction of the board, themselves provide or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district, but may at their discretion charge for the same.

[L.N. 41/1970, Sch.]

*C—Special Provisions Regarding Formidable Epidemic, Endemic or Infectious Diseases***35. Formidable epidemic, endemic or infectious diseases**

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

[Act No. 28 of 1961, Sch.]

**36. Rules for prevention of disease**

Whenever any part of Kenya appears to be threatened by any formidable epidemic, endemic or infectious disease, the Minister may make rules for all or any of the following purposes, namely—

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

and may by order declare all or any of the rules so made to be in force within any area specified in the order, and such area shall be deemed an infected area, and to apply to any vessels, whether on inland waters or on arms or parts of the sea within the territorial jurisdiction of Kenya.

[Act No. 28 of 1961, Sch., L.N. 41/1970, Sch.]

**37. Health authority to see to execution of rules**

The health authority of any area within which or part of which any rules made under section 36 of this Act are 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; and the health authority or the medical officer of health 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.

[Act No. 28 of 1961, Sch., L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

**38. Power of entry**

The Director of Medical Services and his officers shall have power of entry on any premises or vessels for the purpose of executing or superintending the execution of any rules made under section 36 of this Act.

[Act No. 28 of 1961, Sch.]

**39. Deleted by L.N. 41/1970, Sch.**

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

**40. Notification of sickness or mortality in animals suspected of plague**

(1) Every person who becomes aware of any unusual sickness or mortality among rats, mice, cats, dogs or other animals susceptible to plague or other formidable epidemic diseases not due to poison or other obvious cause shall immediately report the fact to the medical officer of health.

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

[L.N. 41/1970, Sch.]

**41. Medical officers of health to report notification of formidable epidemic diseases by telegraph**

Every medical officer of health shall immediately report to the Director of Medical Services by telegraph or other expeditious means particulars of every notification received by such medical officer of health of a case or suspected case of any formidable epidemic disease, or of any unusual sickness or mortality in animals made under section 40 of this Act.

[L.N. 41/1970, Sch.]

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

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

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

## PART V – VENEREAL DISEASES

**43. Venereal diseases**

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

**44. Persons suffering from venereal disease to have themselves treated until cured**

(1) Every person who knows or has reason to believe that he is suffering from any venereal disease shall forthwith consult a medical practitioner with respect thereto, and shall place himself under treatment by that medical practitioner or by some other medical practitioner, or shall attend for treatment at any hospital or other place available for the treatment of venereal diseases.

(2) Every person undergoing treatment for any venereal disease as aforesaid shall, until cured or free from such disease in a communicable form, continue to submit himself to treatment at such intervals as may be prescribed by any such medical practitioner.

(3) Any person who fails to comply with any provision of this section shall be guilty of an offence.

**45. Duties of medical practitioners**

Every medical practitioner who attends or advises any patient in respect of any venereal disease from which the patient is suffering shall—

- (a) direct the attention of the patient to the infectious nature of the disease and to the penalties prescribed by this Act for infecting any other person with such disease;
- (b) warn the patient against contracting marriage unless and until he has been cured of such disease or is free from such disease in a communicable form; and
- (c) give to the patient such printed information relating to the treatment of venereal disease and to the duties of persons suffering therefrom, as may be supplied to the medical practitioner by the Medical Department.

**46. Duties of parents or guardians of infected children**

(1) Every parent or guardian of a child who knows or has reason to believe that such child is suffering from any venereal disease shall cause such child to be treated for such disease by a medical practitioner until such child is cured or free from such disease in a communicable form.

(2) Every parent or guardian of any such child who fails or neglects to have that child treated as aforesaid shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.



**47. Infection by employees**

(1) Every person who, while suffering from any venereal disease in a communicable form, accepts or continues in employment in or about any factory, shop, hotel, restaurant, house or other place in any capacity entailing the care of children or the handling of food or food utensils intended for consumption or use by any other person shall be guilty of an offence, unless he proves that he did not know or suspect, and had no reasonable means of knowing or suspecting, that he was so suffering.

(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 or food utensils intended for consumption or use by any person other than the person employed, unless the defendant 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.

**48. Duties of medical officers of health and district surgeons to report, and powers of magistrates**

(1) It shall be the duty of every medical officer of health in his official capacity and of every Government medical officer and district surgeon who knows or has reason to believe that any person is suffering from any venereal disease in a communicable form and is not under treatment by a medical practitioner or is not attending for medical treatment regularly and as prescribed by such medical practitioner to give notice to such person of the requirements of this Act in regard to attendance for treatment of persons suffering from venereal disease, and, if thereafter such person does not comply with those requirements, to report the matter to the magistrate.

(2) Upon receipt of any such report the magistrate shall make such further inquiry, or shall make such order or orders, or shall institute such proceedings, as he may deem necessary for the proper enforcement of the provisions and for the attainment of the objects of this Part.

(3) An order under this section may require the person named therein—

- (a) to furnish a certificate by a medical practitioner as to whether he is or is not suffering from a venereal disease in a communicable form; or
- (b) to attend at a specified time and place for examination by a medical practitioner named in the order; or
- (c) to attend regularly for medical treatment at times and at a place specified in such order; or
- (d) to proceed or be removed to and to remain or be detained under treatment in a special hospital or place of accommodation provided or established under this Part, either for a specified time or until cured or free from the disease in a communicable form.

(4) Any person who fails to comply with any order made under this section, or who escapes or attempts to escape from any hospital in which he has been ordered to remain or to be detained, shall be guilty of an offence.



**49. Conveyance of infection an offence**

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

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

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

(2) Any person so detained in a hospital or other place of accommodation who escapes or attempts to escape therefrom shall be guilty of an offence.

**51. Medical examination of inhabitants of localities where venereal disease believed prevalent**

(1) Where the Minister on a report by a medical officer has reason to believe that a person is suffering from venereal disease, he may issue an order requiring the examination by a medical practitioner of such person.

(2) Any person who refuses to comply with such order or with any lawful instructions given thereunder or who obstructs any medical practitioner or other duly authorized officer in the carrying out of such order shall be guilty of an offence.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

**52. Examination of females**

Where any order is made under this Part requiring the medical examination of any female and such female desires to be examined by a woman medical practitioner, such examination shall be made by a woman medical practitioner if one is reasonably available.

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

(1) Any person detained in hospital under this Part shall be entitled to arrange, at his own expense, for his examination by any medical practitioner, and a report of such examination shall be furnished to the magistrate, who may thereupon cause to be made any further examination of such person which he may deem necessary.

(2) No person shall be detained in hospital under this Part who is not, or is no longer, suffering from a venereal disease in a communicable form.

**54. Secrecy of proceedings**

(1) Inquiries and proceedings before a magistrate or any court of law under this Part shall be secret and conducted *in camera*, and the records thereof shall be kept in the manner and form prescribed by rule, subject to the provisions of section 48 of this Act, anything to the contrary notwithstanding in any other law.

(2) Any person publishing or divulging the name of any person dealt with under this Part, or the nature, proceedings or contents of any report, certificate, document or order in connexion therewith or any other matter coming to his knowledge in connexion with anything arising under this Part to any unauthorized person, and any person who without lawful justification or excuse falsely alleges that any person is suffering or has suffered from venereal disease, shall be guilty of an offence.

**55. Publication of advertisements of cures**

(1) No person shall publish any advertisement or statement intended to promote the sale of any medicine, appliance or article for the alleviation or cure of any venereal disease or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse.

(2) Any person who publishes any such advertisement or statement by printing it in any newspaper or exhibiting it to public view in any place or delivering or offering or exhibiting it to any person in any street or public place or in any public conveyance, or who sells, offers or shows it or sends it by post to any person, shall be guilty of an offence.

(3) For the purposes of this section, “advertisement” and “statement” include any paper, document or book containing any such advertisement or statement, as the case may be.

(4) This section shall not apply to publications by the Medical Department or by any municipal council, public hospital or other public body in the discharge of its lawful duties or by any society or person acting with the authority of the Minister first obtained, or to any books, documents or papers published in good faith for the advancement of medical science.

(5) *Deleted by Act No. 14 of 1971, Sch.*

[Act No. 28 of 1961, Sch., L.N. 41/1970, Sch., Act No. 14 of 1971, Sch.]

**PART VI – PORTS AND INLAND BORDERS OF KENYA****56. Interpretation of Part**

For the purposes of this Part—

“**master**” in relation to any vessel means the person (other than a pilot) having at the time command or charge of that vessel;

“**oversea vessel**” means a vessel other than one plying only between ports or places in Kenya;

“**port health officer**” means any medical practitioner appointed by or acting as such under the authority and instructions of the Director of Medical Services.

**57. Application of Act as regards vessels**

The provisions of this Act as regards vessels, except where otherwise expressly stated, shall apply to every vessel of whatsoever kind anchoring off or arriving in any port or being elsewhere within territorial waters:

Provided that the Minister may, subject to such conditions or limitations as may be prescribed by him, exempt from any such provisions any warship of Kenya or of any foreign country, or any vessel engaged solely in the coasting trade and plying only between ports of Kenya.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch., Act No. 21 of 1966, First Sch.]

**58. No communication between vessels and shore before granting of pratique**

(1) Except in case of danger, no master of a vessel arriving at any port or place in Kenya and no person on board thereof shall communicate or attempt to communicate with the shore or with any other vessel or any boat, and no person from the shore or from any other vessel or boat shall communicate with such vessel, otherwise than by signal, until pratique has been granted to such vessel in accordance with rules made under this Part:

Provided that nothing in this subsection shall prevent any port officer, pilot or other duly authorized officer from coming alongside or boarding any such vessel.

(2) No fee shall be payable in respect of the examination by the port health officer of, and the granting of pratique to, any vessel arriving at any port or place in Kenya.

**59. Notification of infectious disease or death on board of vessel**

(1) The provisions of this Act in respect of the notification of the occurrence of cases of infectious disease in man, or of sickness or mortality in rodents or other animals susceptible to plague, shall apply to every vessel at any port or place in Kenya, but, wherever it is therein required that notification be made to the health authority or medical officer of health, such notification shall be made to the port health officer.

(2) No fee shall be payable to any ship surgeon or other medical officer of a vessel or shipping company in respect of the notification of any case of infectious disease on board of any vessel.

(3) For all purposes of this Act, every vessel shall be deemed to be a dwelling or premises, and the master thereof shall be deemed to be the head of the household or the owner or occupier of the premises.

(4) It shall be the duty of the master to report to the port health officer the death of any person who has died from any cause whatever on the vessel during the voyage just completed, or while the vessel is in port, and also the cause of death.

[L.N. 41/1970, Sch.]

**60. Powers of port health officer**

(1) The port health officer may at any time board any vessel and inspect any part thereof or anything therein, and may medically examine any person on

board and require any such person to answer any question for the purpose of ascertaining whether or not infection exists or has recently existed on board.

(2) Any person who refuses to allow any such officer to board any vessel 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 and liable to a fine not exceeding two thousand shillings.

#### **61. Notification to medical officers of health at ports**

Upon the occurrence on any vessel of any case of or death from any notifiable infectious disease, or of such other disease as the Minister may prescribe, or of any sickness or mortality among rodents or other animals on any vessel or within the harbour area suspected to be due to any formidable epidemic disease, the port health officer shall forthwith inform the medical officer of health of the area in or adjoining which the port is situated of the occurrence and the measures taken or intended to be taken in connexion therewith.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch., L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

#### **62. Granting of restricted or conditional pratique to and quarantining of vessels**

In the case of any vessel having, or suspected on reasonable grounds of having, on board in any person, animal or thing the infection of any infectious disease, the port health officer, acting in accordance with instructions and with rules made under this Part, may grant or continue pratique to such vessel subject to such conditions or restrictions as may be deemed necessary, or, if he deems it necessary so to do, may withhold or withdraw pratique and place the vessel in quarantine:

Provided that, when pratique restrictions are imposed on any vessel is placed in quarantine or when any person on board of or landed from any vessel is compulsorily detained, isolated or removed, the port health officer shall immediately report, by telegraph or other expeditious means, the action taken by him and the reasons therefor to the Director of Medical Services and the nearest medical officer of health.

#### **63. Declaration of infected places, ports of entry, etc.**

(1) The Minister may, by order—

- (a) declare that any place beyond or within Kenya is infected with a formidable epidemic disease or that a formidable epidemic disease is liable to be brought or carried from or through that place, and thereupon, and for so long as such order remains in force, that place shall be a proclaimed place within the meaning of this Act;
- (b) declare any port in Kenya to be a first port of entry for all or for any particular class or description of overseas vessels coming from a proclaimed place, and require masters of such vessels bound for Kenya to enter a port so declared before entering any other port of Kenya, except in case of danger or for other sufficient reason;

- (c) prohibit, restrict or regulate the immigration or importation into Kenya of any person, animal, article or thing likely, in his opinion, to introduce any infectious disease, or impose restrictions or conditions as regards the examination, detention, disinfection or otherwise of any such animal, article or thing.

(2) Any person who contravenes or fails to comply with an order made under subsection (1) shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

[Act No. 28 of 1961, Sch.]

#### **64. Master of vessel from proclaimed place to take precautionary measures**

(1) The master of any vessel bound for any port or place in Kenya which comes from or calls or touches at any proclaimed place shall, while his vessel is at that place and during the voyage to Kenya, take in respect of the vessel and her crew, passengers and cargo all such precautionary measures as may be prescribed by the order.

(2) Any master of a vessel failing so to do and thereafter entering any port of Kenya shall, unless he satisfies the court that he was unaware of the measures required to be taken by him and that he took all reasonable means to ascertain whether it was his duty to take any such measures, be guilty of an offence and liable to a fine not exceeding two thousand shillings.

(3) Where a vessel has arrived from a proclaimed place and the prescribed precautionary measures have not been taken, any measures considered necessary by the port health officer, acting on the instructions of the Director of Medical Services, may be carried out with respect to the vessel and her crew, passengers and cargo, at the expense of the owner of the vessel.

[Act No. 28 of 1961, Sch.]

#### **65. Removal of quarantined vessels**

Where a vessel has been placed in quarantine at any port or place in Kenya, the Minister may, for the purpose of more effectually dealing with the infection on board, require the master thereof to remove such vessel, at his own risk and expense, to any other port or place within territorial waters.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

#### **66. Master of vessel may decline to submit to quarantine or removal**

(1) Where the master of a vessel has been informed by the port health officer or other duly authorized officer of the intention of placing that vessel in quarantine or of requiring him to move that vessel in quarantine to another port or place in Kenya and where such master declines to submit to quarantine or refuses to remove the vessel as aforesaid, he shall immediately inform such officer accordingly and shall forthwith hoist the quarantine signal, as defined in rules made under this Part, on the vessel and remove the vessel from the neighbourhood of any wharf or landing place or any other vessel, and shall leave the port with all possible dispatch after notifying the port health officer of the next intended port of call of the vessel.

(2) Any vessel dealt with in the manner described in subsection (1) may, before leaving the port, take on board, subject to such precautions as may be prescribed by the port health or other duly authorized officer, any coal, water, provisions or stores.

#### **67. Removal of patient from vessel and treatment on shore**

(1) Where any person on board of any vessel is suffering from any infectious or other disease and, in the opinion of the port health officer, is not accommodated or is not being nursed or treated in such manner as to guard adequately against the spread of the disease or to promote recovery, the port health officer may cause such person to be removed to a hospital or place of isolation on shore and there accommodated and treated for such period as may be considered necessary in the interests of the patient or to prevent spread of infection.

(2) All reasonable expenses necessarily incurred in dealing with a patient under this section shall be a charge against the master or agent of the vessel, and may be recovered from either or both of them by the Government.

#### **68. Surveillance or isolation of persons who have been exposed to infection**

(1) Where any person on board of any vessel is believed to have been recently exposed to the infection, and may be in the incubation stage of any notifiable infectious disease, the port health officer may require such person to remain on board such vessel, or alternatively to land and proceed direct to his place of destination and there report himself to the medical officer of health for medical surveillance by such medical officer of health until considered to be free from infection.

(2) Where in the opinion of the port health officer any such person cannot otherwise be properly kept under medical surveillance or the public health cannot be otherwise adequately safeguarded, such person may be removed to a place of isolation on shore and there detained until considered free from infection.

(3) The port health officer shall notify to the medical officer of health of the district in or adjoining which the port is situated, and to the medical officer of health of the district where such person's place of destination is, the fact that such person is believed to have been recently exposed to infection and has been allowed to land and proceed to his destination.

(4) Any person who refuses or fails to comply with, or wilfully obstructs the execution of, any requirement lawfully made under this section shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both.

#### **69. Burial of the bodies of persons dying on board of vessel**

Where there is any dead body on board any vessel at any port or place in Kenya, it shall be the duty of the master of such vessel to cause such body to be properly buried; any reasonable and necessary expenses thereby incurred may be recovered by the master from any person legally liable for the same.

**70. Clearance papers may be withheld from vessels pending inquiry into offence**

Whenever the port health officer has reasonable grounds for believing that the master of any vessel has committed an offence under this Act or fails or refuses to pay any charges lawfully made thereunder, the Commissioner of Customs and Excise or any officer authorized thereto by the Commissioner may, on the request of the port health officer, withhold clearance papers from such vessel pending the institution of proceedings in any competent court:

Provided that clearance papers shall not be withheld for more than thirty-six hours (Sundays and public holidays excepted), unless such proceedings have been commenced before the expiry of that period.

**71. Powers to enforce precautions at frontiers**

(1) When it is considered necessary for the purpose of preventing the introduction of infectious disease into Kenya, the Minister may, by order—

- (a) regulate, restrict or prohibit the entry into Kenya at its inland borders or any part thereof or any persons, or of persons of any specified class or description or from any specified locality or area;
- (b) regulate, restrict or prohibit the introduction into Kenya at its inland borders, or any specified part thereof, of any animal, article or thing;
- (c) impose requirements or conditions as regards the medical examination, detention, quarantine, disinfection, vaccination, isolation or medical surveillance or otherwise of persons entering, or the examination, detention or disinfection or otherwise of such persons as aforesaid or of articles or things introduced into Kenya at its inland border or any part thereof;
- (d) apply with or without modifications any particular provisions of this Part to persons, animals, articles or things entering or introduced into or departing or removed from Kenya by means of aircraft.

(2) Any person who contravenes or fails to comply with an order made under subsection (1) shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both.

[Act No. 28 of 1961, Sch.]

**72. Agreements with either governments regarding reciprocal notification of outbreaks**

(1) The Minister may enter into agreements with the Government of any foreign country, providing for the reciprocal notification of outbreaks of any formidable epidemic or other disease of any other matter affecting the public health relations of Kenya with other countries.

(2) The terms or a summary of every such agreement shall be notified in the *Gazette*.

[L.N. 365/1964, Sch., Act No. 21 of 1966, First Sch.]



**73. Rules concerning port health matters**

The Minister may make rules—

- (a) prescribing the powers and duties of port health officers and the procedure to be followed in the examination of, and the granting of pratique to, vessels, and requiring every master of a vessel on arrival at any port or place in Kenya to furnish a declaration of health in respect of the existence or suspected existence on board, in any person, animal or thing, of any infectious disease, or any other disease which the Minister may notify in the *Gazette*, prescribing the form of declaration, and empowering any port health officer or other duly authorized officer to require the master of any vessel to verify upon oath the statements in the declaration and to administer the necessary oaths; such rules may prescribe modified requirements or procedure in respect of vessels arriving at a second or subsequent port of call in Kenya on the same voyage;
- (b) requiring the master of any vessel having or suspected of having on board the infection of any infectious disease, or which has recently touched at any port or place which is a proclaimed place or is infected with any formidable epidemic disease or is situated near any place which is so infected, to furnish lists of passenger, crew or cargo, and prescribing the information to be given in any such list;
- (c) prescribing the measures which shall be taken by masters of vessels to prevent the migration of rodents to or from vessels;
- (d) prescribing the measures which shall be taken for the disinfection of, or the destruction of rats, mice or insects in, vessels, the disposal of bilge or other water on board, the cleansing of vessels, the provision of a supply of pure water on board, and for preventing the pollution of the water of the port with excreta and manure or any infective or offensive matter;
- (e) as to the grant, refusal or withdrawal of pratique to vessels and the detention in quarantine of vessels having or suspected of having on board in any person, animal or thing, the infection of any infectious disease, or of persons suffering from, or who have recently been exposed to the infection of, any such disease;
- (f) as to the prohibition or restriction of intercourse of persons on or from the land with vessels, where deemed necessary in order to prevent the spread of infectious disease;
- (g) requiring the disinfection of any article or thing contaminated, or believed to be contaminated, with the infection of any infectious disease, on board of or landed from any vessel, or, if such article or thing is of such a nature that it cannot be so disinfected, prohibiting the landing or providing for the destruction thereof;
- (h) requiring the vaccination, before landing from any vessel, of any person who may have recently been exposed to the infection of smallpox and who does not produce evidence to the satisfaction of the port health officer of successful vaccination during the five years immediately preceding;



- (i) appointing such sanitary anchorages as may be necessary for the purposes of this Act:

Provided that until other provisions are made the sanitary station at Zanzibar shall be a sanitary station for the purposes of any rules made or deemed to be made under this Act;

- (j) providing for the recovery from masters or owners or agents of vessels of all reasonable and necessary expenses incurred by the Government, or of charges in accordance with a prescribed tariff of charges, or for the furnishing by them of guarantees in respect of the payment of such expenses or charges—

- (i) in dealing with any person who is on board or has recently been landed and who is suffering, or suspected to be suffering, from any infectious disease or from any other disease which the Minister may notify in the *Gazette*;
  - (ii) in connexion with the detention in quarantine of any vessel infected with, or the isolation, accommodation, care and treatment of any person suffering from, or who has been exposed to the infection of, any infectious disease, and the detention and repatriation of any such person if he is prohibited from entering Kenya under any law relating to immigration;
  - (iii) in eradicating the infection of any infectious disease in any vessel, or in any article or thing on board of any vessel, or in any article or thing which though landed therefrom, was infected before it was landed;

and the Minister may, by notice in the *Gazette*, prescribe tariffs of charges which shall be payable by masters or owners or agents of vessels in respect of any of the services aforesaid, but every such tariff, shall be fixed as nearly as may be on the basis of average cost;

- (k) as to the departure from Kenya, whether by land or sea, of all persons or of persons of any specified class or description, or of persons from any specified locality or place, and as to the restrictions to be imposed on persons leaving Kenya, in relation to medical examination, disinfection or otherwise;
- (l) as to the exportation or removal from Kenya, whether by land or sea, of any article or thing considered likely to convey the infection of any infectious disease, and the examination, detention, disinfection or otherwise of any such article;
- (m) for securing and maintaining cleanliness and efficient sanitation and preventing or remedying any nuisance or danger to health from overcrowding or otherwise on board of any vessel or within any port or harbour;
- (n) as to the inspection of food on board vessels or at any port of Kenya and the destruction or safe disposal of any diseased or unsound or unwholesome meat or food intended for human consumption, or of any article of food or drink likely to convey any infectious disease, if such article is on board any vessel or within any port or harbour, and providing for the recovery of any expense incurred by the Government in so doing;

- (o) as to the disinfection of any second-hand clothing, bedding, rags or any similar article imported by sea, and the recovery from the owner thereof or his agent of all expenses incurred by the Government in connexion therewith,

and generally for better carrying out the provisions and attaining the objects and purposes of this Part.

[L.N. 187/1956, Sch., L.N. 188/1956, Sch., L.N. 172/1960, Sch., L.N. 173/1960, Sch.]

#### **74. Orders, rules and penalties under Part**

(1) Any order or rule made under this Part may provide exemptions therefrom, may define the disease to which any particular provision shall apply and may impose duties in connexion therewith on masters or owners or agents of vessels or on persons in charge of railway trains or of vehicles, or on employers of labour, labour recruiting agents or others.

(2) Any person contravening any provision of this Part, or of any order or rule thereunder, shall be guilty of an offence and liable, save as hereinbefore and in subsection (3) provided, to a fine not exceeding one thousand shillings or to imprisonment without the option of a fine for a term not exceeding three months or to both.

(3) If the master of a vessel contravenes any provision of this Act or any rule thereunder relating to pratique or quarantine, or makes any false statement or false answer to any question in any declaration of health, knowing the same to be false, he shall be guilty of an offence and liable to a fine not exceeding four thousand shillings or to imprisonment without the option of a fine for a term not exceeding twelve months or to both.

[Act No. 28 of 1961, Sch.]

#### **75. Protection of Government**

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

- (a) any vessel, person, article or thing is delayed or removed or detained; or
- (b) any article or thing is damaged or destroyed; or
- (c) any person is deprived of the use of any article or thing,

the Government shall not be liable to pay compensation, provided due care and reasonable precautions have been taken to avoid unnecessary delay or damage or destruction.

[Act No. 28 of 1961, Sch.]

### **PART VII – LEPROSY**

#### **76. Interpretation of Part**

For the purposes of this Part—

“**asylum**” means any building or collection of buildings erected and established under section 77 and used for the treatment or detention of persons affected with leprosy, together with the land surrounding such buildings and set apart and defined under the said section for the occupation of such persons;

“**leprosy**” means all forms of disease caused by the *Bacillus leprae* of Hansen;

“**specified area**” means a local area specified in an order made by the Minister under section 77(3).

[Act No. 28 of 1961, Sch., L.N. 365/1964, Sch.]

#### **77. Establishment of leper asylums**

(1) It shall be lawful for the Minister to erect and establish from time to time asylums for the detention of persons removed thereto under this Act, and for the purpose of acquiring sites for the erection and establishment of asylums to appropriate and set apart any unalienated public land, and to order the fencing and enclosing of any land so appropriated and set apart.

(2) The establishment of any asylum and boundaries of any land appropriated and set apart for such purpose shall be notified and defined by notice in the *Gazette*.

(3) For the purpose of preventing the spread of leprosy, the Minister may, by order, direct that, from a date named therein until further order, all persons affected with leprosy found within any local area specified in such order shall be removed to and detained in an asylum.

[Act No. 28 of 1961, Sch., L.N. 365/1964, Sch.]

#### **78. Duty to notify suspected case of leprosy within specified area**

(1) Whenever it comes to the knowledge of any person that some other person within a specified area outside an asylum and not exempted under section 102 from the provisions of this Act is affected with or is suspected of being affected with leprosy, such first-named person shall forthwith report such fact or suspicion upon oath to a magistrate of the district in which he is residing.

(2) Any person who neglects to act in accordance with subsection (1) shall be guilty of an offence.

[L.N. 365/1964, Sch.]

#### **79. Magistrate to isolate suspect on notification**

Every magistrate to whom a report is made under section 78 shall issue an order requiring a police officer to take steps that the person mentioned in such report be detained in a place of isolation in a manner prescribed by rules under this Act until he has been examined as in section 80 provided.

#### **80. Magistrate to arrange for medical examination**

A magistrate who has issued such isolation order as aforesaid shall cause the person to be examined as soon as possible by two medical practitioners, one of whom shall if possible be a medical officer, and obtain a report from them of such examination.

#### **81. Discharge of suspect if not affected**

If such medical practitioners aforesaid report that the person alleged to be affected with leprosy is not so affected, the magistrate shall forthwith discharge him from detention in isolation.

**82. Interim reception order in doubtful case**

(1) If such medical practitioners aforesaid report that the person alleged to be affected with leprosy is so affected, or that it is doubtful whether he is so affected or not, the magistrate shall order him as in this section described to be removed to an asylum therein to be detained in accordance with the provisions of this Act.

(2) Any such order as is in this section described shall be termed an interim reception order and shall be addressed to the superintendent of some asylum, and shall be delivered to a police officer, together with the report mentioned in section 80.

(3) An interim reception order shall authorize any police officer to conduct the person named therein to the asylum named in such order, and shall further authorize the reception and detention of such person in such asylum until the Minister has transmitted to the superintendent of the asylum an order of further detention or discharge as hereinafter provided.

[Act No. 28 of 1961, Sch.]

**83. Interim reception order and reports to be sent to Minister**

Any superintendent who has received any person into an asylum under an interim reception order shall as soon thereafter as possible transmit to the Minister—

- (a) the interim reception order;
- (b) the reports of the medical practitioners mentioned in section 80.

[Act No. 28 of 1961, Sch.]

**84. Voluntary submission to treatment of persons affected with leprosy**

If any person within a specified area suspects that he is affected with leprosy and desires to submit himself to treatment therefor or to be placed in isolation in accordance with this Act, he may for such purpose present himself to a magistrate of the district in which he is residing, and such magistrate shall thereupon, having ordered such person to be detained in isolation as in section 79 is provided, require two medical practitioners (one of whom shall if possible be a medical officer) to examine such person; and if such medical practitioners report that such person is not affected with leprosy the provisions of section 81 of this Act shall apply in the case of such person; and if such medical practitioners report that such person is affected with leprosy or that it is doubtful whether such person is so affected or not the provisions of section 82 and 83 shall apply to such case.

[L.N. 365/1964, Sch.]

**85. Where Minister satisfied that person detained under interim reception order is affected with leprosy**

(1) Whenever the Minister is satisfied that any person detained under an interim reception order as aforesaid is affected with leprosy, he shall make and sign an order (herein described as a detention order), which shall be addressed to the superintendent of some asylum.

(2) A detention order shall authorize the detention in accordance with this Act of the person named therein, and shall be in force until cancelled by the Minister.

(3) The medical officer appointed to an asylum shall, at least once a year, and more often if so required by the Minister, transmit to the Minister a report as to the condition of each person detained in the asylum, and if on consideration of such report the Minister considers further detention of any person unnecessary he may cancel the detention order and direct such person to be discharged.

[Act No. 28 of 1961, Sch.]

**86. Where Minister not satisfied that person detained under interim reception order is affected with leprosy**

(1) Whenever the Minister is not satisfied that a person detained under an interim reception order is affected with leprosy, he shall submit all medical reports transmitted to him under this Act concerning such person to the Director of Medical Services, and may direct any further medical examination he may consider necessary of such person.

(2) If on consideration of the report of the Director of Medical Services or of the further medical examination (if any) he is satisfied that such person is affected with leprosy, he shall make and sign a detention order as in section 85 provided.

(3) If on consideration of the report of the Director of Medical Services aforesaid or of the further medical examination (if any) he is not satisfied that a person detained under an interim reception order is affected with leprosy, he shall transmit an order to the superintendent of the asylum in which such person is detained directing his discharge therefrom.

[Act No. 28 of 1961, Sch.]

**87. Minister may order discharge from asylum at any time**

The Minister may, notwithstanding anything in this Act contained, at any time on sufficient reason to him appearing, issue an order to the superintendent of any asylum directing the discharge of any person from detention therein or the removal of any person detained therein to another asylum for detention under this Act, or, with the consent of such person, to a private asylum which has been named in a notice issued by the Minister under subsection (1) of section 102.

[Act No. 28 of 1961, Sch.]

**88. Appointment of superintendent of asylum**

(1) The Minister may appoint from time to time superintendents, who shall have the direction and management of any asylum to which they are respectively appointed but shall in carrying out their powers and duties be subject to the supervision and directions of the Director of Medical Services.

(2) The Director of Medical Services may from time to time, subject to any rules made under this Act, appoint medical officers, attendants, guards and other officers to any asylums and remove such officers.

[L.N. 365/1964, Sch.]

**89. Duties of superintendents**

It shall be the duty of every superintendent to inspect from time to time in accordance with rules made hereunder the asylum to which he has been appointed and the persons detained therein, and to cause proper food and necessary comforts to be supplied to such persons, and to cause the premises to

be properly and cleanly kept, and to perform such other duties and exercise such powers as may be imposed and conferred upon him by this Act or by any rules made thereunder.

#### **90. Intercourse of persons detained in asylums**

(1) No person shall be permitted to enter any asylum except in accordance with the rules made in that behalf under this Act.

(2) Except as in this Act provided and save as may be provided by any rules made thereunder, no communication or intercourse shall be allowed between persons detained in any asylum and any person not detained therein who is not an officer or attendant thereof.

#### **91. Suspects and detained lepers deemed to be in lawful custody**

(1) Every person placed in isolation or during the course of removal to or while detained in an asylum under this Act shall be deemed to be in lawful custody until discharged therefrom under this Act, and while in such custody shall be subject to the provisions of this Act any rules made thereunder.

(2) Any person who escapes from such lawful custody may be pursued, arrested without warrant and taken back into custody by any person whomsoever and wheresoever he may be found.

#### **92. Visiting of persons detained**

Every person detained in lawful custody under this Act shall be permitted to receive visits from relatives, friends or legal advisers at such reasonable times and subject to such restrictions as may be determined by rules made under this Act.

#### **93. Cost of erection and maintenance of asylum to be defrayed out of public funds**

The cost of the erection, establishment and maintenance of asylums, of the removal of persons thereto, of the maintenance of persons detained therein (save in so far as such cost of maintenance may be otherwise defrayed in accordance with section 94, of the salaries and wages of superintendents, attendants or other officers of asylums and of the disinfecting and cleansing of the residence of persons isolated and the maintenance of such persons during the period of isolation shall be defrayed out of the moneys provided by Parliament.

#### **94. Superintendent may recover certain sums from inmates and allow private building**

It shall be lawful, subject to the approval of the Minister, for the superintendent in the case of any inmate of an asylum under this Part to receive or recover from such inmate the expense of his maintenance, and to allow such inmate or any other person to erect for the inmate (or contract for the erection of) a building within the limits of an asylum, and such superintendent may for such purpose enter into on behalf of the Government special agreements with such person or his lawful representative.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

**95. Court may appoint manager of detained persons**

(1) The High Court may appoint a manager for the temporary or permanent care and administration of any property of a person removed to an asylum for detention under this Act, and Part XI of the Mental Treatment Act (Cap. 248) shall *mutatis mutandis* apply for the purposes of such care and administration of the property of any such person.

(2) It shall be lawful for the Director of Public Prosecutions to lay any reports of evidence concerning the removal of a person for detention under this Act together with evidence as to any property possessed by such person before the High Court for its consideration, and the High Court may upon consideration of such reports and evidence appoint a manager for the care or custody of the property of any such person aforesaid, and, where it appears to the High Court desirable that temporary provision should be made for the maintenance or other necessary requirements of such person or any member of his family out of any money or available securities belonging to him in the hands of his bankers or of any other person, the High Court may authorize such banker or other person to pay to the manager such sums as may be deemed necessary and may give directions as to the application thereof for the benefit of such person aforesaid or for the relief of his family or any member thereof.

[Act No. 12 of 2012, Sch.]

**96. Cleansing and disinfecting of residence of persons isolated**

Whenever any person has been placed in isolation by order of a magistrate under section 79, the medical officer of health shall cause the residence of that person to be forthwith cleansed and disinfected.

**97. Photographing of persons confined in asylums**

(1) It shall be the duty of every person detained in an asylum under this Act to submit himself to be photographed from time to time as the superintendent shall think fit.

(2) Any such person who refuses to allow himself to be photographed as aforesaid, or obstructs any person entrusted with this duty in the execution of such duty, shall be guilty of an offence, punishable, on receipt of a report alone, in such manner as the Minister shall by rule prescribe.

(3) Any person who gives, supplies or exhibits any such photograph obtained under this section to any person to whom he is not expressly or by rule authorized to give, supply or exhibit such photograph shall be guilty of an offence.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

**98. Penalties for contravention of Part**

Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding fifteen thousand shillings or to imprisonment for a term not exceeding one year or to both.

[Act No. 2 of 2002, Sch.]



**99. Rules under Part**

The Minister may make rules and prescribe the penalties for the breach thereof not exceeding the penalties mentioned in section 98—

- (a) for the isolation, examination and removal to asylums of person affected or suspected of being affected with leprosy;
- (b) for the appointment and duties of superintendents, medical officers, guards, attendants and other officers of asylums, and the removal of such officers;
- (c) for the classification, treatment, instruction and employment of persons detained in asylums;
- (d) as to the rations and clothing of persons detained in asylums;
- (e) as to the intercourse of persons detained in an asylum with each other and with persons not so detained, and generally for the discipline and good order of persons so detained;
- (f) for the removal to and detention within an asylum of any person serving or sentenced to a term of imprisonment if certified by a medical officer to be affected with leprosy;
- (g) as to the setting apart of places within any asylum for the special confinement and punishment of persons convicted and sentenced during detention or whilst employed in an asylum, or of persons who have been convicted and sentenced for any offence by a court and removed to an asylum under this Act;
- (h) for the appointment and duties of a visiting committee to any asylum, or otherwise providing for the visitation of asylums;
- (i) prescribing forms to be used for the purposes of this Part.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

**100. Examination and report of one medical practitioner to suffice temporarily where two not available**

Notwithstanding anything in this Act contained, the examination and report of one medical practitioner shall suffice for the purpose of an interim reception order under this Act, whenever undue delay or inconvenience would result in obtaining an examination and report by two medical practitioners:

Provided that the results of an examination and the report of one medical practitioner shall be confirmed by another medical practitioner as soon as the same can conveniently be obtained.

**101. Police officer to execute orders under Act**

It shall be the duty of every police officer to execute any lawful order of the Minister or any magistrate issued under this Act, and any person resisting or obstructing any magistrate, medical practitioner or other person charged with a duty under this Act in the execution of the duty shall be guilty of an offence.

[Act No. 28 of 1961, Sch.]

**102. Private asylums**

(1) If the Minister is satisfied that proper provision will be made for the care, comfort and custody of persons affected with leprosy, and for regulating



intercourse between such persons and persons not so affected in any private leper asylum, he may by notice in the *Gazette* exempt from the provisions of this Act all persons affected with leprosy if and so long as they remain within the private leper asylum specified in such notice.

(2) The Minister may at any time, by notice in the *Gazette*, cancel any exemption made by him under subsection (1), either in respect of all the inmates of a private leper asylum specified in such notice or in respect of such inmate or inmates as may be specified in the notice.

(3) A medical officer may at any time enter any private leper establishment specified in any notice under subsection (1), and inspect the same and examine the inmates; and every such asylum shall be inspected and a report thereon sent to the Minister by a medical practitioner appointed by the Director of Medical Services in that behalf, at least once in every six months.

[Act No. 28 of 1961, Sch.]

## PART VIII – PREVENTION OF THE SPREAD OF SMALLPOX

### 103. Interpretation of Part

For the purposes of this Part—

“**child**” means a person who is under, or who appears to be under, fifteen years of age;

“**public vaccinator**” includes a public vaccinator appointed by the Director of Medical Services and any person appointed by the Director of Medical Services to assist or act for a public vaccinator, and includes any Government medical officer, medical officer of health or district surgeon;

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

### 104. Vaccination of children

The parent or guardian of every child in Kenya shall, unless such child is insusceptible or unfit or has suffered from smallpox, cause such child to be successfully vaccinated by a public vaccinator, or other medical practitioner, and the parent or guardian of every such child shall procure one of the following certificates on the form prescribed, signed by the public vaccinator or other medical practitioner—

- (a) a certificate of successful vaccination;
- (b) a certificate of insusceptibility to vaccination;
- (c) a certificate of unfitness for vaccination;
- (d) a certificate that the child has suffered from smallpox.

### 105. Vaccination of persons entering Kenya

(1) Every unvaccinated adult person, or the parent or guardian of every unvaccinated child, in or entering Kenya shall cause himself or such child to be successfully vaccinated within twelve months after entering Kenya.

(2) The conditions and exceptions mentioned in section 104 shall *mutatis mutandis* apply to any adult person or child described in this section.

(3) A person shall be deemed to be unvaccinated if he has not been or fails to prove that he has been successfully vaccinated:

Provided that the provisions of this section shall not apply to any person who can prove that reasonable facilities for vaccination were not obtainable.

#### **106. Emergency vaccination of population in area threatened with smallpox**

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

- (a) the medical officer of health or the district surgeon or other Government medical officer may require any person to be forthwith vaccinated or revaccinated who has or is suspected to have been in any way recently exposed to smallpox infection, or may require the parent or guardian of any child who has or is suspected to have been so exposed to have such child vaccinated or revaccinated forthwith; and any person failing to comply with such requirement shall be guilty of an offence;
- (b) the municipal council may, or when instructed by the Minister on the advice of the Board so to do shall require all persons within an area defined to attend at centres according to instructions issued and to undergo inspection, vaccination or revaccination as circumstances may require; such instructions may be issued by notice in the press, or by notices posted in public places, or otherwise as may be deemed sufficient by the municipal council; and non-attendance shall be an offence;
- (c) any district surgeon, public vaccinator or medical practitioner duly authorized by the Director of Medical Services may require any person in such area to furnish satisfactory proof (including the exhibition of vaccination scars) that he has been successfully vaccinated within five years immediately preceding the date of such requirement; and any person who fails to furnish such proof as regards himself or as regards any child of which he is the parent or guardian, and refuses to allow himself or such child to be vaccinated, shall be guilty of an offence.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch., L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

#### **107. Person unfit for vaccination**

(1) If any public vaccinator or medical practitioner is 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 according to Form No. 1 in the Schedule, or to the like effect, that the adult or child is then in a state unfit for vaccination.

(2) The said certificate shall remain in force for six months only, but shall be renewable for successive periods of six months until the public vaccinator or medical practitioner deems the adult or child to be fit for vaccination, when the adult or child shall with all reasonable dispatch be vaccinated.

**108. Person insusceptible of successful vaccination**

(1) If any public vaccinator or medical practitioner finds that any adult or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that the adult or child coming or brought to him for vaccination has already been successfully inoculated or had the smallpox, he shall deliver to the adult or to the parent or guardian of the child a certificate under his hand in Form No. 2 in the Schedule.

(2) A certificate of insusceptibility to vaccination shall only be given by a public vaccinator or other medical practitioner after three unsuccessful attempts at vaccination at intervals of not less than one month have been made by him with calf vaccine lymph of known efficiency.

**109. Certificate to be given for successful vaccination**

Every public vaccinator or medical practitioner who has performed the operation of vaccination upon any adult or child, and has ascertained that the same has been successful, shall deliver to such adult or to the parent or guardian of such child a certificate in Form No. 3 in the Schedule, or to the like effect, certifying that the said adult or child has been successfully vaccinated.

**110. No fee to be charged by public vaccinator, and certificate to contain description of person vaccinated**

(1) 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.

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

**111. Vaccination of inmates of institutions**

Every superintendent or person in charge of a leper asylum or mental hospital or chronic sick hospital, jail, prison, reformatory, penitentiary or other similar institution shall cause to be vaccinated within fourteen days following his admission to such institution every inmate thereof who, being in a fit state of health to undergo vaccination, has not been successfully vaccinated within the five years immediately preceding; and if such person is at the time unfit to undergo vaccination he shall be vaccinated as soon as he is so fit.

**112. School children to be vaccinated**

(1) No child shall be admitted to or attend any school until there has been produced to the person in charge thereof a certificate or other satisfactory evidence that the provisions of this Part in respect of such child have been complied with.

(2) For the purpose of ascertaining whether the provisions of subsection (1) of this section are being observed, every public vaccinator is hereby authorized and required whenever instructed by the Director of Medical Services to visit any school, and make therein such inspection of the children attending thereat as will enable him to furnish prescribed particulars to the Director of Medical Services as to the children who are unvaccinated.

**113. Prohibited methods of inoculation**

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

**114. Rules**

The Minister, on the advice of the board, may make rules—

- (a) prescribing the form 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 births, public vaccinators, local authorities, medical practitioners, parents or guardians of children, persons in charge of schools, employers of labour and others;
- (b) conferring powers and imposing duties, in connexion with the carrying out or enforcement of vaccination, on magistrates, justices of the peace, members of the police force or other Government officers, local authorities, persons in charge of schools, employers of labour, chiefs, headmen of locations and others;
- (c) prescribing the conditions under which vaccine lymph may be supplied free of charge to medical practitioners, municipal councils and others;
- (d) providing for the vaccination or revaccination of persons and assigning where deemed desirable the responsibility for the carrying out of such vaccination or revaccination to municipal councils or employers of labour;
- (e) as to the application and enforcement of the provisions of this Part to persons entering Kenya, whether by land or sea, and for requiring, where deemed necessary, the vaccination or revaccination of any person before so entering.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch., L.N. 41/1970, Sch.]

**PART IX – SANITATION AND HOUSING****115. 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.

**116. Local authorities to maintain cleanliness and prevent nuisances**

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

**117. Health authorities to prevent or remedy danger to health from unsuitable dwellings**

It shall be the duty of every health 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 against any person causing or responsible for the continuance of any such condition.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

**118. What constitutes nuisance**

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

- (a) any vessel, and any railway carriage or other conveyance, in such a state or condition as to be injurious or dangerous to health;
- (b) any dwelling or premises or part thereof which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be, in the opinion of the medical officer of health, injurious or dangerous to health, or which is or are liable to favour the spread of any infectious disease;
- (c) any street, road or any part thereof, any stream, pool, ditch, gutter, watercourse, sink, water-tank, cistern, water-closet, earth-closet, privy, urinal, cesspool, soak-away pit, septic tank, cesspit, soil-pipe, waste-pipe, drain, sewer, garbage receptacle, dust-bin, dung-pit, refuse-pit, slop-tank, ash-pit or manure heap so foul or in such a state or so situated or constructed as in the opinion of the medical officer of health to be offensive or to be injurious or dangerous to health;
- (d) any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by man for drinking or domestic purposes or in connexion with any dairy or milkshop, or in connexion with the manufacture or preparation of any article of food intended for human consumption, which is in the opinion of the medical officer of health polluted or otherwise liable to render any such water injurious or dangerous to health;
- (e) any noxious matter, or waste water, flowing or discharged from any premises, wherever situated, into any public street, or into the gutter or side channel of any street, or into any nullah or watercourse, irrigation channel or bed thereof not approved for the reception of such discharge;
- (f) any stable, cow-shed or other building or premises used for keeping of animals or birds which is so constructed, situated, used or kept as to be offensive or which is injurious or dangerous to health;
- (g) any animal so kept as to be a nuisance or injurious to health;

- (h) any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is offensive or which is injurious or dangerous to health;
- (i) any accumulation of stones, timber or other material if such in the opinion of the medical officer of health is likely to harbour rats or other vermin;
- (j) any premises in such a state or condition and any building so constructed as to be likely to harbour rats;
- (k) any dwelling or premises which is so overcrowded as to be injurious or dangerous to the health of the inmates, or is dilapidated or defective in lighting or ventilation, or is not provided with or is so situated that it cannot be provided with sanitary accommodation to the satisfaction of the medical officer of health;
- (l) any public or other building which is so situated, constructed, used or kept as to be unsafe, or injurious or dangerous to health;
- (m) any occupied dwelling for which such a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain;
- (n) any factory or trade premises not kept in a clean state and free from offensive smells arising from any drain, privy, water-closet, earth-closet or urinal, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein;
- (o) any factory or trade premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;
- (p) any area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any infectious communicable or preventable disease or injury or danger to health;
- (q) any chimney sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health;
- (r) any cemetery, burial-place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;
- (s) any act, omission or thing which is, or may be, dangerous to life, or injurious to health.

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

#### **119. Notice to remove nuisance**

The medical officer of health, if satisfied of the existence of a nuisance, shall serve a notice on the author of the nuisance or, if he cannot be found, on the occupier or owner of the dwelling or premises on which the nuisance arises or continues, requiring him to remove it within the time specified in the notice, and

to execute such work and do such things as may be necessary for that purpose, and, if the medical officer of health think it desirable (but not otherwise), specifying any work to be executed to prevent a recurrence of the said nuisance:

Provided that—

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

[L.N. 142/1963, Sch., L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

## **120. Procedure if owner fails to comply with notice**

(1) If the person on whom a notice to remove a nuisance has been served as aforesaid fails to comply with any of the requirements thereof within the time specified, the medical officer of health shall cause a complaint relating to such nuisance to be made before a magistrate, and such magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before his court.

(2) If the court is satisfied that the alleged nuisance exists, the court shall make an order on the author thereof, or the occupier or owner of the dwelling or premises, as the case may be, requiring him to comply with all or any of the requirements of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for that purpose.

(3) The court may by such order impose a fine not exceeding two hundred shillings on the person on whom the order is made, and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal of the nuisance.

(4) If the court is satisfied that the nuisance, although removed since the service of the notice, was not removed within the time specified in such notice, the court may impose a fine not exceeding two hundred shillings on the person on whom such notice was served, and may, in addition to or in substitution for such fine, order such person to pay all costs incurred up to the time of the hearing of the case.

(5) If the nuisance, although removed since the service of the notice, in the opinion of the medical officer of health is likely to recur on the same premises, the medical officer of health shall cause a complaint relating to such nuisance to be made before a magistrate, and the magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.

(6) If the court is satisfied that the alleged nuisance, although removed, is likely to recur on the same premises, the court shall make an order on the author thereof or the occupier or owner of the dwelling or premises, as the case may be, requiring him to do any specified work necessary to prevent the recurrence of the nuisance and prohibiting its recurrence.



(7) In the event of the person on whom such order as is specified in subsections (5) and (6) not complying with the order within a reasonable time, the medical officer of health shall again cause a complaint to be made to a magistrate, who shall thereupon issue a summons requiring such person to appear before him, and on proof that the order has not been complied with may impose a fine not exceeding two hundred shillings, and may also give directions as to the payment of all costs up to the time of the hearing.

(8) 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.

(9) Where the nuisance proved to exist is such as to render a dwelling unfit, in the judgment of the court, for human habitation, the court may issue a closing order prohibiting the use thereof as a dwelling until in its judgment the dwelling is fit for that purpose; and may further order that no rent shall be due or payable by or on behalf of the occupier of that dwelling in respect of the period in which the closing order exists; and on the court being satisfied that it has been rendered fit for use as a dwelling the court may terminate the closing order and by a further order declare the dwelling habitable, and from the date thereof such dwelling may be let or inhabited.

(10) Notwithstanding a closing 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.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

## **121. Penalty respecting nuisances**

(1) Any person who fails to obey an order to comply with the requirements of the medical officer of health or otherwise to remove the nuisance shall, unless he satisfies the court that he has used all diligence to carry out such order, be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings for every day during which the default continues; and any person wilfully acting in contravention of a closing order issued under section 120 shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings for every day during which the contravention continues.

(2) The medical officer of health may in such case enter the premises to which any such order relates, and remove the nuisance and do whatever may be necessary in the execution of such order, and recover in any competent court the expenses incurred from the person on whom the order is made.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch., Act No. 2 of 2002, Sch.]

## **122. Court may order health 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 health 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.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970.]



**123. Examination of premises**

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

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

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

**124. Demolition of unfit dwellings**

(1) Where any such nuisance as is mentioned in section 118 is proved to exist with respect to a dwelling, and the court is satisfied that such dwelling is so dilapidated or so defectively constructed or so situated that repairs to or alterations of the same are not likely to remove the nuisance and make such dwelling fit for human habitation, the court may order the owner thereof to commence to demolish the dwelling and any other structures on the premises on or before a specified day, being at least one month from the date of issuing the order, and to complete the demolition and to remove the materials which comprised the same from the site before another specified day.

(2) The court shall give notice to the occupier of a dwelling in respect of which such an order has been issued requiring him to move therefrom within a time to be specified in such notice, and if any person fails to comply with such notice or enter the dwelling or premises after the date fixed except for the purpose of demolition he shall be guilty of an offence.

(3) If any person fails to comply with such an order for demolition, he shall be guilty of an offence and liable to pay the daily fine provided in section 121, and the health authority may cause the dwelling and any other structures on the premises to be demolished, and may recover from the owner the expense incurred in doing so after deducting the net proceeds of the sale of the materials, which the health authority may sell by auction.

(4) No compensation shall be paid by the health authority to the owner or occupier of any dwelling or other structure in respect of the demolition thereof as aforesaid, and from the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such dwelling or structure.

(5) In this section, “**the court**” means a subordinate court of the first class.

[Act No. 36 of 1962, Sch., L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

**125. Duty of department as to overcrowding, etc.**

It shall be the duty of the Medical Department—

- (a) to collect, investigate and consider and publish the facts as to any overcrowding or bad or insufficient housing in the various districts of Kenya;
- (b) to inquire into the best methods of dealing with any overcrowding or bad housing so ascertained to exist;

- (c) to make or publish such recommendations as may seem necessary in respect of the result of any such investigation or inquiry.

#### **126. Rules under Part**

The Minister, on the advice of the board, may make rules and may confer powers and impose duties in connexion with the carrying out and enforcement thereof on local authorities, magistrates, 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 over-crowding;
- (c) the periodical cleansing and whitewashing or other treatment of dwellings, and the cleansing of land attached thereto, and the removal of rubbish or re-use 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 or purity of any liquid which, after treatment in any purification works, may be discharged therefrom as effluent;
- (f) the keeping of animals or birds and the construction, cleanliness and drainage of places where animals or birds are kept;
- (g) the establishment and carrying on of factories or trade premises which are liable to cause offensive smells or effluvia, or to discharge liquid or other material liable to cause such smells or effluvia, or to pollute streams, or are otherwise liable to be a nuisance or injurious or dangerous to health, and for prohibiting the establishment or carrying on of such factories or trade premises in unsuitable localities or so as to be a nuisance or injurious or dangerous to health;
- (h) the subdivision and general 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 of 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.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

**126A. By-laws as to buildings and sanitation**

(1) Every municipal council and every urban and area council may, and shall if so required by the Minister for the time being responsible for local government with the agreement of the Minister, make by-laws for all or any of the following matters—

- (a) as regards buildings—
  - (i) for controlling the construction of buildings, and the materials to be used in the construction of buildings;
  - (ii) for controlling the space about buildings, the lighting and ventilation of buildings and the dimensions of rooms intended for human habitation;
  - (iii) for controlling the height of buildings, and the height of chimneys (not being separate buildings) above the roof of the buildings of which they form part;
  - (iv) for prohibiting the erection or use of temporary or movable buildings, whether standing on wheels or otherwise, and for prohibiting or restricting the use of tents or similar buildings for business or dwelling purposes;
  - (v) for requiring and regulating adequate provision for the escape of the occupants of any building in the event of an outbreak of fire;
  - (vi) for preventing the occupation of a new or altered building until a certificate of the fitness thereof for occupation or habitation has been issued by such local authority;
  - (vii) to compel employers to provide housing for their employees;
  - (viii) to compel owners to repair or demolish unsafe dangerous or dilapidated buildings;
- (b) as regards works and fittings—
  - (i) for regulating sanitary conveniences in connexion with buildings, the drainage of buildings (including the means for conveying refuse water and water from roofs and from yards appurtenant to buildings), the cleansing, drainage and paving of courts, yards and open spaces used in connexion with buildings and cesspools, and other means for the reception or disposal of foul matter in connexion with buildings;
  - (ii) for regulating excavations of any kind in connexion with buildings;
  - (iii) for regulating wells, tanks and cisterns for the supply of water for human consumption in connexion with buildings;
  - (iv) for regulating stoves and other fittings in buildings (not being electric stoves or fittings), in so far as by-laws with respect to such matters are required for the purposes of health and the prevention of fire;
  - (v) for regulating private sewers and communications between drains and sewers and between sewers;

- (vi) for regulating the erection and use of scaffolding and hoarding during the construction, demolition, repair, alteration or extension of any building;
- (vii) for prohibiting, securing the removal of and regulating projections and obstructions in front of buildings, and projections over streets,

but no such by-law shall be inconsistent with or repugnant to any written law in force in the same area made under any other provision of this Act.

(2) By-laws made under this section may include provisions—

- (a) as to the giving of notices and the deposit of plans, sections, specifications and written particulars; and
- (b) as to the inspection of work the testing of drains and sewers, and the taking by such local authority as aforesaid of samples of materials to be used in the construction of buildings, or in the execution of other works, and for the payment of such reasonable charges and fees as the local authority may determine, for the doing of any of the things aforesaid.

(3) By-laws under subparagraphs (i), (ii) and (iii) of subsection (1)(a) may be made with respect to—

- (a) structural alterations or extensions of buildings, and buildings so far as affected by alterations or extensions;
- (b) buildings or parts of buildings in cases where any material change, within the meaning of subsection (4), takes place in the purposes for which a building or, as the case may be, a part of a building is used,

and, so far as they relate to the matters mentioned in this subsection, may be made to apply to buildings erected before the date on which the by-laws came into force, but, save as aforesaid, shall not apply to buildings erected before that date.

(4) For the purposes of subsection (3), there shall be deemed to be a material change in the purposes for which a building, or a part of a building, is used if—

- (a) a building, or a part of a building, being a building or part which was not originally constructed for occupation as a dwelling, or which though so constructed has been appropriated to other purposes, becomes used as a dwelling; or
- (b) a building, or a part of a building, being a building or part which was originally constructed for occupation as a dwelling by one family only, becomes occupied by two or more families; or
- (c) where by-laws contain special provisions with respect to buildings used for any particular purpose, a building or a part of a building, being a building or part not previously used for that purpose, becomes so used.

(5) The procedure for the making, approval and publication of by-laws made under this section shall be that prescribed in the Local Government Act (Cap. 265), and for the purposes of the enforcement thereof and the disposal of fines

imposed for contravention thereof such by-laws shall be deemed to be by-laws made by the same local authority under that Act.

(6) Rules may be made under any other provision of this Act notwithstanding that they may be inconsistent with or repugnant to any by-law made under this section and in force in the area to which such rules apply, and to the extent, if any, of such inconsistency or repugnancy as aforesaid, the rules shall prevail.

[L.N. 256/1963, Fourth Sch.]

#### **126B. Power to relax requirements of building by-laws**

Where a local authority considers that the operation of any building by-law made by it under section 126A would be unreasonable in relation to any particular case, it may, with the consent of the Minister for the time being responsible for local government given with the agreement of the Minister, relax the requirements of the by-law or dispense with compliance therewith:

Provided that the local authority shall give notice of any such proposed relaxation of dispensation in such manner and to such persons, if any, as the Minister for the time being responsible for local government may direct, and that the Minister shall not give his consent before the expiration of one month from the giving of the notice and, before giving his consent, shall take into consideration any objection which may have been received by him.

[L.N. 256/1963, Fourth Sch.]

#### **126C. Passing or rejection of plans and retention of plans, etc.**

(1) Where plans of any proposed work are, in accordance with any building by-laws made under section 126A, deposited with a local authority, the local authority shall, subject to any other provisions of this Act, or any rule or By-law made thereunder which expressly requires or authorizes it in certain cases to reject plans, pass the plans unless they either are defective, or show that the proposed work would contravene any of those rules or by-laws, and, if the plans are defective or would contravene any of those rules or by-laws, such local authority shall reject the plans.

(2) The local authority shall within the prescribed period from the deposit of the plans give notice to the person by whom or on whose behalf they were deposited whether or not they are passed, and—

- (a) a notice of rejection shall specify the defects on account of which, or the by-law or the provision of this Act or the rule (if any) made thereunder for non-conformity with which, or under the authority of which, the plans have been rejected; and
- (b) a notice that plans have been passed shall state that the passing of the plans operates as an approval thereof only for the purposes of the requirements of the said building by-laws and of any such provision of this Act or any rule made thereunder as is referred to in subsection (1).

(3) Any question arising under this section between a local authority and the person by whom or on whose behalf plans are deposited as to whether the plans

are defective, or whether the proposed work would contravene any of the said building by-laws may, on the application of that person, be determined by a subordinate court of the first class:

Provided that no such application shall be entertained unless it is made before the proposed work has been substantially commenced.

(4) For the purposes of this section, the prescribed period in relation to the passing or rejection of plans is one month, but building by-laws made under section 126A by a local authority whose meetings are normally held not more frequently than once a month, may provide that in the case of plans deposited less than three clear days before a meeting of the local authority the prescribed period shall be five weeks:

Provided that the local authority may, within the said period of one month or five weeks, as the case may be, by notice in writing extend such period in the case of any particular application for a further period of one month.

(5) Building by-laws made under section 126A may—

- (a) require that plans and other documents to be deposited in pursuance of the by-laws shall be deposited in such number of copies as the local authority may stipulate and, if the by-laws contain such a requirement the local authority may retain one or more copy of any plans or other documents so deposited, whether or not the plans are passed; and
- (b) require the payment of such reasonable fee as the local authority may determine for the examination by it of any plans or other documents deposited with it pursuant to such by-laws; and
- (c) stipulate the period within which a building shall be commenced and completed.

[L.N. 256/1963, Fourth Sch.]

#### **126D. Power to require removal or alteration of work in certain cases**

(1) If any work, to which building by-laws made under section 126A are applicable, contravenes any of those by-laws, the local authority which made them, without prejudice to its right to take proceedings 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 by-laws.

(2) In a case where the local authority is, by any provision in this Act other than section 126C or by any rules made thereunder other than building by-laws made under section 126A, expressly required or authorized to reject plans, then, if any work to which such building by-laws are applicable is executed either without plans having been deposited, or notwithstanding the rejection of the plans, or otherwise than in accordance with any requirements subject to which the local authority passed the plans, the local authority may by notice to the owner either require him to pull down or remove the work, or if he so elects, to comply with any other requirements specified in the notice, being requirements which the local authority might have made under the provision or rule in question as a condition of passing plans.

(3) A notice under subsection (1) or subsection (2) may be served either personally or by registered post or by attaching the same to such work or by advertisement in not less than two consecutive issues of a newspaper circulating in the area in which such work is situate.

(4) Where such local authority is unable to ascertain the name and address of the owner of the work, the owner of the land upon which the work stands shall, upon being required in writing so to do by the local authority within twenty-eight days of the date of the service of such requirement, furnish the local authority with full particulars of the name and address of the owner of such work, and if the owner of the land without reasonable excuse fails to furnish the said particulars within the time prescribed and if he in furnishing the particulars makes any statement which proves to be false he shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings, and if he shall thereafter continue to withhold the said particulars he shall be liable to a further fine not exceeding thirty shillings for every day during which such offence shall continue.

(5) If a person to whom notice has been given under subsection (1) or subsection (2) fails to comply with the notice before the expiration of twenty-eight days, or such longer period as may be specified in the notice or as a subordinate court of the first class may on his application allow, the local authority which gave the notice may pull down or remove the work in question, and may if it thinks fit sell the materials thereof or effect such alterations therein as it deems necessary.

(6) The amount of any expenses incurred by a local authority under subsection (5), after giving credit for any amount realized by the sale of materials if sold, shall be a civil debt recoverable summarily by the local authority from the owner of the work and the owner of the land upon which the work is situate jointly and severally and the right of a local authority to recover any such amount, or any part thereof, from any person under this subsection shall not be barred by reason only of the local authority having obtained judgment for the same, or any part thereof, against any other person, and where any person liable therefor pays to such local authority the full amount of any such expenses, he may recover from any other person liable jointly therefor such contribution, if any, as a subordinate court of the first class may determine to be just and equitable.

(7) Any surplus in the hands of the local authority shall be paid by it to the owners of the work and the land on which the same is situate as those owners agree; and if the owners do not agree as to the division of such surplus the local authority shall be deemed by virtue of this subsection to be a trustee of the surplus for such owners, and section 63 of the Trustee Act (Cap. 167) (which relates to payment into court by trustees) shall have effect accordingly.

(8) The court, in determining for the purposes of this section the shares in which any expenses shall be contributed by, or any surplus shall be divided between, two or more persons, shall have regard to their respective interests in the work and the land on which the same is situate, the right (if any) of the owner of the work to remove the same, the respective obligations and liabilities of the parties in respect of the maintenance and repair of the work, and all the other circumstances of the case.

(9) By-laws made under section 126A may provide for compensation to be payable by the local authority to the owner or occupier of any work pulled down



or removed, for such reasons or in such circumstances as may be specified in the by-laws by such local authority under section 126A(3) but, save as aforesaid, no compensation shall be payable for any work so removed or pulled down.

(10) No such notice as is mentioned in subsection (1) or subsection (2) 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 local authority to give such a notice on the ground that the work contravenes any building by-laws made under section 126A, or, as the case may be, does not comply with its requirements under any other provision of this Act or rules made thereunder as aforesaid, if either the plans were passed by the local 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 local authority as a condition of passing the plans.

(11) Nothing in this section shall affect the right of a local authority, or of the Attorney-General, or of any other person, to apply for an injunction for the removal or alteration of any work on the grounds that it contravenes any by-law or any provision in this Act, but if the work is one in respect of which plans were deposited and the plans were passed by the local authority or notice of their rejection was not given within the prescribed period after the deposit thereof, and if the work has been executed in accordance with the plans, the court on granting the injunction shall have power to order the local authority to pay to the owner of the work such compensation as the court thinks just, but before making any such order the court shall cause the local authority, if not a party to the proceedings, to be joined as a party thereto.

[L.N. 256/1963, Fourth Sch.]

## PART X – PROTECTION OF FOODSTUFFS

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

(1) All warehouses, godowns or buildings of whatever nature used for the storage of foodstuffs shall be constructed of such materials and in such manner as shall in the opinion of the medical officer of health render such warehouse, godown or building rat-proof.

(2) Where any warehouse, godown or building intended for the storage of foodstuffs aforesaid has fallen into a state of disrepair, or does not in the opinion of the medical officer of health afford sufficient protection against rat invasion by reason of the materials used in the construction of the same being defective, the medical officer of health 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 health authority may enter upon the premises and effect such repairs and alterations, and may recover all costs and expenses incurred from the owner.

(3) Where in the opinion of the medical officer of health and foodstuffs within a warehouse, godown or building are insufficiently protected, the owner thereof



shall observe all written instructions and directions of the medical officer of health within a time to be specified in the said notice for the better protection of the same:

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

[L.N. 41/1970, Sch.]

### **128. Prohibition of residing or sleeping in kitchens or food stores**

(1) No person shall reside or sleep in any kitchen or room in which foodstuffs are prepared or stored for sale.

(2) If it appears to the medical officer of health that any such kitchen or room is being so used contrary to the provisions of this section, or that any part of the premises adjoining the room in which foodstuffs are stored or exposed for sale is being used as a sleeping apartment under such circumstances that the foodstuffs are likely to be contaminated or made unwholesome, 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 will prevent the improper use of such kitchen and premises within a time to be specified in the notice, and if such notice is not complied with the party upon whom it was served shall be guilty of an offence.

## **PART XI – PUBLIC WATER SUPPLIES, MEAT, MILK AND OTHER ARTICLES OF FOOD**

### **129. Duty of local authority as to protection of water supplies**

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

- (a) for preventing any pollution dangerous to health of any supply of water which the public within its district has a right to use and does use for drinking or domestic purposes (whether such supply is derived from sources within or beyond its district); and
- (b) for purifying any such supply which has become so polluted,

and to take measures (including, if necessary, proceedings at law) against any person so polluting any such supply or polluting any stream so as to be a nuisance or danger to health.

### **130. Rules for protection of water supplies**

(1) The Minister, on the advice of the board, may make, and impose on local authorities and others the duty of enforcing, rules in respect of defined areas—

- (a) prohibiting bathing in, and prohibiting or regulating the washing of clothes or other articles or of animals in, or in any place draining into, any such water supply as is mentioned in section 129;
- (b) prohibiting or regulating the erection of dwellings, sanitary conveniences, stables, cattle-kraals, pig-styes, ostrich-pens, dipping tanks, factories or other works likely to entail risk of harmful pollution

of any such water supply, or prohibiting or regulating the deposit in the vicinity of, or in any place draining into, any such supply of any manure, filth or noxious or offensive matter or thing,

and generally, for preventing the 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 and for purifying any such supply which has become so polluted, and for preventing the pollution of streams so as to be a nuisance or a danger to health.

(2) Rules under this section shall be made with due regard to the interests of agricultural or any other industries.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

### **131. Sale of unwholesome food prohibited**

(1) No person shall sell or expose for sale or import or bring 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 their use, and any medical officer of health, veterinary officer, sanitary inspector, meat inspector or police officer of or above the rank of Inspector may seize any such food, and any magistrate on the recommendation of the medical officer of health, a sanitary inspector or a 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.

### **132. Seizure of unwholesome foods**

Any medical officer of health, or other person duly authorized by the health authority in writing, may, at any time between the hours of 6 a.m. and 6 p.m., enter any shop or premises used for the sale or preparation for sale or storage of food to inspect and examine any food found therein which he has reason to believe is intended to be used as human food, and should such food appear to such officer to be unfit for such use he may seize the same, and any magistrate may order it to be disposed of as in section 131; the proof that such food was not exposed or deposited for any such purpose shall rest with the person charged.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

### **133. Penalty respecting unwholesome food**

Any person in whose possession there is found any food liable to seizure under section 131 or section 132 shall further be guilty of an offence and liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

[Act No. 2 of 2002, Sch.]

### **134. Rules for protection of food**

The Minister, on the advice of the board, 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-shops, milk-

vessels and slaughterhouses, and of factories, stores, shops and other places where any article of food is manufactured or prepared or kept;

- (b) the taking and examination of samples of milk, dairy produce, meat or other articles of food and the removal or detention, pending examination or inquiry, of animals or articles which are suspected of being diseased or unsound or unwholesome or unfit for human consumption, and the seizure and destruction or treatment, or disposal so as not to endanger health, of any such article which is found to be unwholesome or unsound or diseased or infected or contaminated, and of diseased animals sold or intended or offered or exposed for sale for human consumption; and such rules may empower a medical officer of health, or in the case of meat a veterinary officer, to detain, seize or destroy any diseased, unsound or unwholesome article of food, but shall not confer on any other person any power beyond that of detention of such article for the purpose of examination by a medical officer of health, or in the case of meat a veterinary officer;
- (c) fixing standards of cleanliness of milk, and prescribing the warning to be given to any cow-keeper, dairyman or purveyor of milk that any milk sold or kept or transmitted or exposed for sale by him has been found to be below any such standard, and the issue of orders prohibiting the sale or the keeping or exposure for sale of milk from any particular animal or animals, or requiring the closing of any dairy stock-shed or yard or milk-shop the milk from which is found, after analysis and official warning, to be below any such standard;
- (d) the conveyance and distribution of milk and the labelling or marking of receptacles used for the conveyance of milk;
- (e) the veterinary inspection of dairy stock, 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;
- (f) the duties of cow-keepers, dairymen and purveyors of milk in connexion with the occurrence of infectious disease amongst person residing or employed in or about their premises and the furnishing by them of the names and addresses of their customers, and of cow-keepers in 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;
- (g) the inspection and examination of, and the regulation, inspection and supervision of the manufacture, preparation, storage, keeping and transmission of, any article of food intended for sale or for export, and the prohibition of the manufacture, preparation storage, keeping transmission, sale or export of any such article which is, or contains an ingredient which is, diseased or unsound or unfit for human consumption, or which has been exposed to any infection or contamination;
- (h) the establishment, locality, supervision, equipment, maintenance and management of slaughterhouses and the disposal of the waste

products of slaughtering and the inspection of slaughterhouses and the animals therein, and prohibiting, restricting or regulating the slaughtering or animals;

- (i) prohibiting the importation of any article of food which is not clean, wholesome, sound and free from any disease or infection or contamination, and the seizure and disposal by destruction or otherwise of any such article so imported;
- (j) 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;
- (k) prohibiting 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;
- (l) in relation to food intended for sale or export, prescribing standards of composition, strength and quality, for the prevention of adulteration, misbranding, misdescription or reduction below a prescribed standard and for securing the sale in a pure state and in a condition which conforms with such standards.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

### **135. Orders for protection of food**

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

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

[L.N. 187/1956, Sch., L.N. 172/1960.]

**135A. Powers of certain municipal councils respecting milk, etc.**

(1) Every municipal council may with the approval of the Minister make by-laws applicable to its area for all or any of the following purposes—

- (a) for regulating, supervising and licensing purveyors of milk and ice-cream makers and vendors;
- (b) for regulating, inspecting, supervising and licensing dairies and milk-shops;
- (c) for regulating the conveyance and distribution and securing the identification of the source of milk or milk products distributed, offered for sale or sold within its area of jurisdiction;
- (d) for prescribing the conditions subject to which any milk or milk products, wherever produced or prepared, may be introduced, distributed, stored, sold or used within its area of jurisdiction;
- (e) for enabling such municipal council to certify the quality of any milk and prohibiting the unauthorized use of any terms employed by the municipal council in denoting such quality; and
- (f) for prohibiting the introduction, distribution, storage, sale or use within its area of jurisdiction of any milk or milk products from any source within or without such area where it appears to such municipal council or a committee thereof, on the certificate of its medical officer of health or such other person as the municipal council may authorize in that behalf, that the consumption of such milk or milk products is likely to cause the outbreak or spread of any infectious or contagious diseases,

but no such by-law or rule shall be inconsistent with or repugnant to any rule or order under section 134 or section 135 in force in the area of jurisdiction of such municipal council.

(2) The procedure for the making, approval and publication of by-laws or rules made under this section shall be that prescribed in the Local Government Act (Cap. 265) and for the purpose of the enforcement thereof, and the disposal of fines imposed for contravention thereof, such by-laws or rules, as the case may be, shall be deemed to be by-laws or rules made by the same municipal council under this Act.

(3) Rules may be made under section 134 and orders may be made under section 135 notwithstanding that they may be inconsistent with or repugnant to any by-law or rule of a municipal council and in force in the area to which such rules or orders shall prevail over such By-law or rules of the municipal council.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch., Act No. 17 of 2006, s. 16.]

**PART XII – PREVENTION AND DESTRUCTION OF MOSQUITOES****136. Breeding places of mosquitoes to be nuisances**

For the purposes of this Act—

- (a) all collections of water, sewage, rubbish, refuse, ordure or other fluid or solid substances 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;

- (b) any collection of water in any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket or any other article, and found to contain any of the immature stages of the mosquito;
- (c) any cesspit, latrine, urinal, dung-pit or ash-pit found to contain any of the immature stages of the mosquito,

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

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

(1) 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 which are kept so that they are likely to retain water.

(2) Any occupier or owner of any premises who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding one hundred shillings.

#### **138. Premises not to be overgrown**

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

#### **139. Wells, etc., to be covered**

(1) 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 and is properly protected or screened to the satisfaction of the medical officer of health so as to prevent the ingress of mosquitoes into the same.

(2) Any person offending against the provisions of subsection (1) shall be guilty of an offence and liable to a fine not exceeding one hundred shillings, and after notice received from the medical officer of health to a further fine not exceeding twenty shillings for each day during which he makes default.

#### **140. Cesspits to be screened**

The occupier or owner of any premises upon or attached to which is any cesspit shall cause such cesspit to be properly protected or screened to the satisfaction of the medical officer of health so as to prevent the ingress of mosquitoes into the same, and in default he shall be guilty of an offence and liable to a fine not exceeding one hundred shillings, and to a further fine not exceeding twenty shillings for each day during which he continues to make such default after notice received from the health authority to comply with the provisions of this section.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

**141. Gutters may be required to be perforated**

It shall be lawful for the medical officer of health by written notice to require the occupier or owner of any premises upon or attached to which is any gutter, pipe, groove or waterway used or intended for carrying off water from any roof or other place to cause the same to be perforated by holes at least every two feet in such a manner as to prevent the collection or accumulation of water therein, and if any person duly served with such notice fails to comply with the provisions thereof within such times as may be specified therein he shall be guilty of an offence and liable to a fine not exceeding one hundred shillings, and to a further fine not exceeding twenty shillings for each day during which he continues to make such default.

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

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

**143. 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 article, in or about which there is any collection of water found by the medical officer of health, health inspector or any other person appointed in writing by the Director of Medical Services or the medical officer of health as an inspector for the purpose to contain any of the immature stages of the mosquito shall be guilty of an offence and liable in respect of each and every such collection of water to a fine not exceeding one hundred shillings, or in default to be imprisoned for seven days.

**PART XIII – CEMETERIES****144. Dead to be buried in appointed cemeteries**

(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; and it shall be obligatory where such cemeteries exist to bury the dead in such cemeteries in conformity with the provisions of rules made by any local authority.

(2) Any person who is guilty of a breach of any such rule shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]



**145. 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.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

**146. Permit to exhume**

(1) Subject to the provisions of section 147, 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 granted in manner hereinafter provided.

(2) 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.

(3) Such permit may be granted by the Minister in respect of any body or the remains of any body interred in any cemetery or burial ground or any other place.

(4) The permitting authority may prescribe such precautions as he may deem fit as the condition of the grant of such permit, and any person who exhumes any body or the remains of any body contrary to this Act, or who neglects to observe the precautions prescribed as the condition of the permit, shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings:

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

[Act No. 28 of 1961, Sch.]

**147. Exhumation needed for execution of public works may be ordered**

(1) It shall be lawful for the Minister, whenever he deems it expedient for the execution of any public work or any public purpose, to remove 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 thinks 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 has 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; and such copies shall be accompanied by a translation in the language of the race to which the deceased person belonged.

(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 representative or next of kin of the person buried before the work of removal is undertaken.

(4) The Government shall make proper and fitting arrangements for the re-interment in an authorized cemetery 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 funds.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]



**148. Record of permits and orders for exhumation**

(1) There shall be kept a record of every permit granted and of every order made under section 146 or section 147.

(2) 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, the date of burial and the place of original burial and of reburial or removal.

(3) Such record shall be open during office hours to inspection by any person.

**149. Closing of cemeteries**

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

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

**150. Reimbursement of expenses to the board**

(1) All reasonable expenses incurred by the board in consequence of any default in complying with any order or notice issued under this Act shall be deemed to be money paid for the use and at the request of the person on whom the said order or notice was made, and shall be recoverable from him at the suit of the board as a civil debt recoverable summarily.

(2) The provisions of this section shall apply to any orders or notices issued under any rules by the local authority.

**PART XIV – GENERAL****151. Basements not to be occupied without permission**

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

[L.N. 41/1970, Sch.]

**152. Regulation of lodging-houses**

The Minister, on the advice of the board, may make rules 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.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

**153. Regulation of nursing homes, etc.**

(1) The Minister, on the advice of the board, may make rules for the conduct and inspection of nursing homes convalescent homes, private hospitals, private

mental hospitals, maternity homes, infirmaries or any institutions where invalids, convalescents or children are treated or received upon payment of fees or charges, and no person shall open, or keep open, any such premises unless the premises and the keeper thereof are licensed by the board.

(2) The Director of Medical Services, on the advice of the board, may authorize a medical practitioner to visit and inspect any such premises, as are mentioned in subsection (1) and to report to the board upon any matter or thing connected with such premises or the use thereof.

(3) Any person who knowingly obstructs an authorized medical practitioner in any inspection authorized by the Director of Medical Services, under subsection (2), shall be guilty of an offence.

(4) The board may refuse to grant a licence and may cancel any licence which has been granted under this section on any of the following grounds—

- (a) that the premises in respect of which a licence is sought or has been granted are unsuitable or otherwise do not conform with the requirements of any rules made under this section;
- (b) that the granting or continuance of a licence would be contrary to the public interest;
- (c) that the person in respect of whom a keeper's licence is sought or has been granted has failed to satisfy the board that he or she is a fit and proper person to be trusted to conduct or to continue to conduct the premises for which the keeper's licence is sought or has been granted.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

#### **154. Markets**

For the purposes of this Act, the Minister may make rules for the establishment, control and closing of all markets and market buildings.

[L.N. 187/1956, Sch., L.N. 172/1960, Sch.]

#### **155. Board may apply for additional public latrines on unleased public land**

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

[Act No. 28 of 1961, Sch., L.N. 365/1964, Sch.]

#### **156. Regulation of public washermen**

Every 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 it may appoint for the purpose.

#### **157. Control of irrigated land, and rules for the regulation of standing or running water**

(1) Where it is shown to the satisfaction of the Minister, upon the advice of the board, that the growing of any crop or the irrigation of any land being within

the boundaries of a township or within three miles of such boundaries is unhealthful or insanitary, the Minister may, after consultation with the Minister for the time being responsible for Agriculture, by order, prohibit the growing of any crop or the irrigation of any land within any area, within the boundaries of a township or within three miles of such boundaries, 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.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch., Act No. 28 of 1961, Sch.]

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

(1) The Minister may provide for the inspection, sampling and examination, by officers of the Medical Department, of vaccines, vaccine lymphs, sera and similar substances imported or manufactured in Kenya and intended or used for the prevention or treatment of human diseases, and may prohibit the importation, manufacture or use of any such substance which is considered to be unsafe or to be liable to be harmful or deleterious.

(2) The Minister may make such rules as he may consider necessary for properly carrying out the provisions of this section.

[L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

### **PART XV – MISCELLANEOUS PROVISIONS**

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

Notices, orders and other documents under this Act may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the board, or a local authority, the signature thereof respectively by the secretary, town clerk, medical officer of health, sanitary inspector or District Commissioner, as the case may be, shall be sufficient authentication.

#### **160. Service of notices, etc.**

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

**161. Power and duties of officers of department**

The Deputy Director of Medical Services, or any assistant director of medical services, medical officer of health, port health officer or medical officer of the department, may with the authority and on behalf of the Director of Medical Services discharge any of the duties or functions of the Director of Medical Services, and any duties imposed or powers conferred by this Act on medical officers of health, port health officers, district surgeons or medical officers may be carried out or exercised by the Director of Medical Services, the Deputy Director of Medical Services or any assistant director of medical services or medical officer designated by the Director of Medical Services for that purpose.

**162. Defect in form not to invalidate notices, etc.**

No defect in the form of any notice or order made under this Act shall invalidate or render unlawful the administrative action, or be a ground for exception to any legal proceedings, which may be taken in the matter to which such notice or order relates, provided the requirements thereof are substantially and intelligibly set forth.

**163. Powers of entry and inspection of premises and penalties for obstruction**

(1) Any medical officer of health or health inspector, district surgeon or port health officer, or any police officer of or above the rank of Inspector, or any other person generally or specially authorized in writing by the Director of Medical Services, medical officer of health or municipal council, may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorized by this Act or any other law to do, 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.

[L.N. 41/1970, Sch.]

**164. Penalty where not expressly provided**

Any person who is guilty of an offence under or of any contravention of or default in complying with any provision of, this Act shall, if no penalty is expressly provided for such offence, contravention or default, be liable on conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding six months, or to both and, if the offence, contravention or default is of a continuing nature, to a further fine not exceeding one thousand shillings for each day it continues.

[Act No. 16 of 1977, Sch., Act No. 2 of 2002, Sch.]

**165. Liability of secretary or manager of company**

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

**166. Proceedings against several persons**

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

**167. Prosecutions**

(1) A health authority may, by any of its officers or by any person generally or specially authorized in writing by the 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 thereunder, if the contravention, offence or default is to have been committed within or to affect his area.

(2) Where any officer or person 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 thereunder, and the accused has been convicted of that contravention, offence or default, all fines and penalties imposed may be recovered by such officer or person as a civil debt recoverable summarily.

[L.N. 41/1970, Sch.]

**168. Power of municipal council outside its area**

Nothing in any law specially governing any municipal council shall be construed as preventing such municipal council 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 area.

[L.N. 41/1970, Sch.]

**168A. Power of municipal councils respecting mosquitoes, flies, etc.**

(1) Every municipal council may, with the approval of the Minister, make by-laws for preventing and abating conditions permitting or favouring the breeding of mosquitoes and flies and, generally, for the prevention of malaria and other insect-borne diseases.

(2) Section 135A(2) shall apply in respect of any by-laws made under this section as it applies to by-laws made under that section.

[L.N. 256/1963, Fourth Sch., L.N. 41/1970, Sch.]

**169. General power to make rules**

The Minister shall have power to make rules generally for the carrying out of the purposes of this Act.

[Act No. 39 of 1956, Sch., L.N. 188/1956, Sch., L.N. 173/1960, Sch.]

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## SCHEDULE

## FORM NO. 1

(s. 107)

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

Dated the ....., 20.....

.....  
*Medical Practitioner or  
Public Vaccinator*

## FORM NO. 2

(s. 108)

I, the undersigned, certify that I have three times unsuccessfully vaccinated ....  
.....  
[or that ..... has already had smallpox]  
and I am of the opinion that the said .....  
..... is insusceptible of successful vaccination.

Dated the ....., 20.....

.....  
*Medical Practitioner or  
Public Vaccinator*

## FORM NO. 3

(s. 109)

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

Dated the ....., 20.....

.....  
*Medical Practitioner or  
Public Vaccinator*

## CHAPTER 242

## PUBLIC HEALTH ACT

## SUBSIDIARY LEGISLATION

*List of Subsidiary Legislation*

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**PUBLIC HEALTH (CENTRAL BOARD OF HEALTH) RULES**

[Cap. 130 of (1948), Sub. Leg. L.N. 306/1993.]

**RULES UNDER SECTION 7**

1. These Rules may be cited as the Public Health (Central Board of Health) Rules.
2. The board shall meet for the dispatch of business as often as may be necessary, but not less than once in every quarter.
3. (1) The chairman may at any time, and shall on the request in writing of not less than four members, call a special meeting of the board for a date within fourteen days of the presentation of the request.  
(2) The notice of any meeting shall be signed by the secretary and circulated among all the members of the board.
4. All acts, matters or things authorized or required to be done by the board, and all questions that may come before it, shall be done and decided by the majority of the members who are present at any meeting at which not less than four members are present.
5. The chairman shall have an original vote in common with the other members, and also a casting vote if upon any question the vote is equal.
6. Minutes of the proceedings of every meeting of the board shall be regularly entered in a book to be kept for that purpose, and minutes of proceedings of a meeting of the board signed at the next ensuing meeting by the chairman of the meeting at which the minutes are signed shall be received as evidence without further proof.
7. Every order, notice or other document requiring authentication by the board shall be sufficiently authenticated if signed by the chairman or by any member of the board acting as chairman and by the secretary.
8. There shall be paid to the members of the Board such allowances as the Director of Personnel Management may from time to time authorize.

[L.N. 306/1993, r. 2.]



**INFECTIOUS DISEASES DECLARED TO BE NOTIFIABLE DISEASES**

[Cap. 130 of (1948), Sub. Leg. L.N. 49/2003.]

**UNDER SECTION 17(2)(A)**

Influenza,  
Relapsing fever,  
Blackwater fever,  
Encephalitis lethargica,  
Yellow fever,  
Kala-azar,  
Malaria, microscopically diagnosed within the municipality of Kitale,  
Bacillary dysentery        }  
Amoebic dysentery        } within the municipality of Nairobi,  
Severe Acute Respiratory Syndrome (SARS).

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**PROVISIONS OF THE ACT WHICH ARE DECLARED ALONE TO APPLY TO  
PARTICULAR NOTIFIABLE INFECTIOUS DISEASES**

[Cap. 130 of (1948), Sub Leg.]

**UNDER SECTION 17(2)(B)**

Only the provisions of Part VI of the Act apply in regard to the notification of the following disease—

Influenza;

Measles;

Whooping cough.

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**AREAS TO WHICH THE PROVISIONS OF THE ACT AS REGARDS THE  
NOTIFICATION OF PARTICULAR DISEASES IS RESTRICTED**

[Cap. 130 of (1948), Sub. Leg.]

**UNDER SECTION 17(2)(C)**

The provisions of the Act are restricted, as regards the notification of yaws, to the municipalities of Nairobi, Nakuru, Eldoret and Mombasa.

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**PUBLIC HEALTH (SLEEPING SICKNESS) RULES**

[Cap. 130 of (1948), Sub. Leg.]

**RULES UNDER SECTION 36**

1. These Rules may be cited as the Public Health (Sleeping Sickness) Rules.
2. In these Rules, “**the area**” means the district or part of a district in which these Rules are declared to be in force.
3. (1) No person shall, except with a written permit of an administrative officer, enter, reside or remain in the area.  
(2) Subject to these Rules, an administrative officer may issue the permit.  
(3) The applicant for a permit shall present himself for medical examination by a medical officer of health, and unless the medical officer of health certifies that his condition justifies the issue of the permit the administrative officer shall refuse to issue it.
4. The administrative officer may at any time in his absolute discretion cancel any permit granted under these Rules:  
Provided that no such permit shall be cancelled unless at least seven days’ previous notice of his intention to do so is given to the permit holder.
5. Any medical officer of health may require any person whom he knows or suspects to be infected with sleeping sickness within the area to submit himself for examination or treatment or both, at such time and place as the medical officer of health may prescribe, and any person who on being so required refuses or neglects to be so examined or treated shall be guilty of an offence.
6. (1) Subject to the provisions of any law for the time being in force, any administrative officer within the limits of the area may for the purpose of arresting or preventing the outbreak or spread of sleeping sickness issue orders to be obeyed by any person residing in or entering the area.  
(2) Such orders may—
  - (a) direct the making and maintenance of protective clearings;
  - (b) direct what crops may or may not be planted in the area;
  - (c) prohibit or restrict the planting of crops in certain specified areas;
  - (d) direct persons resident within the area to move either temporarily or permanently outside such area or from one place to another place within the area.  
(3) Any person who in disregard of any order issued under this section does any act which he is prohibited from doing or omits to do any act which he is required to do thereunder shall be guilty of an offence.
7. Any person who is guilty of an offence or contravenes any of the provisions of these Rules shall be liable on conviction to a penalty not exceeding four hundred shillings or to imprisonment for a term not exceeding one month or to both.



**PUBLIC HEALTH (TSETSE FLY AREAS) RULES**

[Cap. 130 of (1948), Sub. Leg.]

1. These Rules may be cited as the Public Health (Tsetse Fly Areas) Rules, and shall apply to the areas specified in the Schedule.
2. In these Rules—
  - “clearing” means an area of land upon which there is no cut or uncut vegetation;
  - “employer” includes any company, syndicate, partnership or firm engaged in prospecting, mining operations or any other work, and the manager of any company, syndicate, partnership or firm;
  - “uncut vegetation” means vegetation exceeding one foot in height.
3. Any person who resides or works in any place for more than fourteen days, and any employer who employs any person to work in any such place for more than fourteen days, shall cause a clearing to be made.
4. Subject to rule 3 and save for the purpose of making a clearing, no person shall reside, work, use any watering, bathing or landing place, stack timber or erect a building in any place, and no employer shall permit any person employed by him to do any of such things in any place, unless a clearing of at least three hundred yards separates such person from any cut or uncut vegetation.
5. Any person who contravenes any of the provisions of these Rules shall be guilty of an offence and liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding two months or to both.

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**SCHEDULE**

[Rule 1.]

1. The shore of Lake Victoria to a depth of half a mile between the mouth of the Sio River on the Uganda boundary and the south side of Mohoru promontory on the Tanzania boundary, except the portion of the head of the Kavirondo Gulf between the mouth of the Kisiani River on the north shore and the mouth of the Awasi River about four miles west of Kendu on the south shore.
2. All the islands in Lake Victoria within the Kenya boundary.
3. All areas within half a mile of all rivers and tributaries thereof running into Lake Victoria except—
  - (a) the Nyando at the south-east corner and the Kisiani on the north shore, near 34° 40' longitude, of the Kavirondo Gulf, and those between those two rivers;
  - (b) the Boha, Awatch and Nyendiwa on the north shore of the Kavirondo Gulf;
  - (c) the portion of the Yala from the mouth to its junction with Lake Kanyaboli, and up-stream from its junction with the Nyarodi River;
  - (d) the Lambwe (South Kavirondo) south of a point two miles from its mouth; and
  - (e) such portions of the Kuja and tributaries as lie north of 0° 40' S. latitude and east of 34° 30' E. longitude.



**PUBLIC HEALTH (RATS AND MICE DESTRUCTION) RULES**

[Cap. 130 of (1948), Sub. Leg.]

1. These Rules may be cited as the Public Health (Rats and Mice Destruction) Rules.
  2. It shall be the duty of every local authority to cause to be made, from time to time, inspection of its district with a view to ascertaining whether any lands or premises within its district are infested with rats or mice, and to enforce the provisions of these Rules.
  3. Any person who fails to take such steps as may from time to time be necessary and reasonably practicable for the destruction of rats and mice on or in any land or premises of which he is the owner or occupier, or for preventing such land or premises from becoming infested with rats or mice, shall be guilty of an offence and liable to a fine not exceeding two hundred shillings.
  4. (1) Where a local authority is of opinion that the owner or occupier of any land or premises in its district has failed to take such steps as are required by rule 3, such local authority may either serve a notice on the owner or occupier requiring him to take such steps or execute such works as are prescribed in the notice within a time specified therein, or, after not less than twenty-four hours' previous notice to the owner or occupier, enter upon the land or premises and take such steps as are necessary and reasonably practicable for the purpose of destroying the rats and mice on the land or premises or of preventing the land or premises from becoming infested with rats or mice, and may recover any reasonable expenses so incurred from the owner or occupier as a civil debt recoverable summarily.  
  
(2) Any person who fails to comply with the requirements of a notice served by a local authority under this rule shall be guilty of an offence and liable to a fine not exceeding five hundred shillings and in addition to a fine not exceeding sixty shillings for each day during which he shall make default.
  5. A medical officer of health, a sanitary inspector or any person duly authorized by the local authority may enter any land or premises in the district of such local authority for the purpose of ascertaining whether the steps required by rule 3 are being taken, or of executing and enforcing these Rules in any other respect.
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**PUBLIC HEALTH (RAT VIRUS) RULES**

[Cap. 130 of (1948), Sub. Leg.]

1. These Rules may be cited as the Public Health (Rat Virus) Rules.
  2. The importation or the manufacture or use of any living bacterial preparations for the destruction of rats is prohibited, except under a permit from the Director of Medical Services and subject to such conditions as the Director of Medical Services may specify.
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**ORDERS UNDER SECTION 36**

[Cap. 130 of (1948), Sub. Leg.]

The Public Health (Sleeping Sickness) Rules are in force within the following parts of districts—

- (a) the area in Lake Victoria from a point half a mile south of Sio Port to the mouth of the Nzoia River and the land extending back from the lake water's edge for one mile;
- (b) all the islands in Lake Victoria which are included in the districts of the local authorities of Central Nyanza and South Nyanza, excepting the following islands—
  - Mfangano;
  - Rusinga;
  - Sirigombe;
  - Gathi;
  - Kiwa;
  - Kimabono.

The Public Health (Sleeping Sickness) Rules (G.N. 457/1949, Sub. Leg.), excepting rules 3 and 4 thereof, are in force within the following parts of districts—

- (a) the area within a radius of ten miles of Kibigori;
- (b) the area within a radius of ten miles of Chemilil;
- (c) the area within a radius of ten miles of Muhoroni;
- (d) the area within a radius of ten miles of Fort Ternan.



**EXEMPTIONS UNDER SECTION 57, PROVISO**

[Cap. 130 of (1948), Sub. Leg.]

All vessels engaged solely in the coasting trade and plying only between the ports of Kenya are exempted from the provisions of section 58 of the Act and of rule 11 of the Public Health (Port, Airport and Frontier Health) Rules.

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**PUBLIC HEALTH (INTRODUCTION OF PERSONS AND THINGS BY AIRCRAFT)  
ORDER**

[L.N. 467/1958.]

ORDERS UNDER SECTION 71(1)(d)

1. This Order may be cited as the Public Health (Introduction of Persons and Things by Aircraft) Order.

2. All the provisions of Part VI of the Act are applied *mutatis mutandis* to persons, animals, articles and things entering or introduced into, or departing or removed from, Kenya by means of aircraft, subject to the following modifications (which are without prejudice to any other modifications necessary to give full effect to the purposes of this Order)—

- (a) “**master**”, wherever it appears throughout the said Part, shall be read and construed as meaning the officer for the time being in command of the aircraft;
  - (b) “**vessel**”, wherever it appears throughout the said Part, shall be read and construed as meaning “aircraft”;
  - (c) “**port**”, wherever it appears throughout the said Part, shall be read and construed as meaning “airport”.
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**PUBLIC HEALTH (PORT, AIRPORT AND FRONTIER HEALTH) RULES, 1959**

## ARRANGEMENT OF RULES

*Rule*

1. Citation.
2. Interpretation.
3. Duties of health officer.
4. Duties of agents.
5. Procedure for grant of pratique.
6. Additional sanitary measures may be taken.
7. Removal of infected persons.
8. Suspect may be placed under surveillance.
9. Steps to be taken when ship or aircraft refuses to submit to measures required by a health officer.
10. Aircraft lands elsewhere than airport.
11. Flag "Q".
12. Restricted pratique.
13. Information and assistance.
14. List of passengers, crew and cargo
15. Control of sewage.
16. Aircraft to land at scheduled airport.
17. Access to the public.
18. Handling of food.
19. Medical examination before departure.
20. Sanitary measures in respect of luggage and animals.
21. Sanitary measures in respect of postal parcels.
22. Quarantine.
23. Flag "L" and warning lights.
24. Communication with quarantined ship or aircraft.
25. Quarantine of prohibited immigrant.
26. Places of isolation.
27. Orders or instructions by health officer.
28. Instructions to officers in command.
29. Isolation of infected persons, etc.
30. Plague.
31. Cholera.
32. Yellow fever.
33. Smallpox.
34. Typhus.
35. Relapsing fever.
36. Used clothing.
37. Disinfection and destruction of articles.
38. Certificate of disinfection.
39. Destruction of unsound food.
40. Prevention of nuisance in port.

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**[Subsidiary]***Rule*

41. Nuisances on board ships or aircraft.
42. Removal of nuisance.
43. Prohibition of nuisance.
44. Maritime Declaration of Health.
45. Aircraft Health Declaration.
46. Certificates.
47. Vaccination certificates of armed forces.
48. Additional sanitary measures.
49. Recovery of expenses.

**SCHEDULES**

FIRST SCHEDULE	–	AIRPORTS
SECOND SCHEDULE	–	MEDICAL DEPARTMENT
THIRD SCHEDULE	–	INTERNATIONAL CERTIFICATE OF VACCINATION OR REVACCINATION AGAINST CHOLERA
FOURTH SCHEDULE	–	INTERNATIONAL CERTIFICATE OF VACCINATION OR REVACCINATION AGAINST YELLOW FEVER
FIFTH SCHEDULE	–	INTERNATIONAL CERTIFICATE OF VACCINATION OR REVACCINATION AGAINST SMALLPOX
SIXTH SCHEDULE	–	MARITIME DECLARATION OF HEALTH
SEVENTH SCHEDULE	–	NOTICE OF EXPECTED ARRIVAL OF A VESSEL

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**PUBLIC HEALTH (PORT, AIRPORT AND FRONTIER HEALTH) RULES, 1959**

[L.N. 54/1960, L.N. 295/1979.]

**RULES UNDER SECTION 73****1. Citation**

These Rules may be cited as the Public Health (Port, Airport and Frontier Health) Rules, 1959.

**2. Interpretation**

In these Rules, unless the context otherwise requires—

**“aircraft”** means an aircraft making an international voyage;

**“airport”** means an airport or aerodrome of entry or departure for international air traffic; and for the purposes of these Rules means the airports specified in the First Schedule;

**“arrival”** means—

- (a) in the case of a seagoing vessel, arrival at a port;
- (b) in the case of an aircraft, arrival at an airport;
- (c) in the case of an inland navigation vessel, arrival either at a port or at a frontier;
- (d) in the case of a train or road vehicle, arrival at a frontier;

**“baggage”** means the personal effects of a traveller or of a member of the crew;

**“crew”** means the personnel of a ship or aircraft, train or road vehicle who are employed for duties on board;

**“Director”** means the Director of Medical Services appointed under section 9 of the Act;

**“direct transit area”** means a special area established in connexion with an airport, approved by the health officer and under his direct supervision, for accommodating direct transit traffic and for accommodating, in segregation, passengers and crews breaking their air voyage without leaving the airport;

**“frontier”** means any inland border between Kenya and any adjoining territory;

**“health administration”** means the Medical Department;

**“health officer”** includes—

- (a) a port health officer; and
- (b) any medical practitioner appointed by or acting as such under the authority and instructions of the Director at any frontier post;

**“imported case”** means a case introduced into Kenya;

**“infected local area”** means—

- (a) a local area where there is a non-imported case of plague, cholera, yellow fever or smallpox; or
- (b) a local area where plague infection among rodents exists on land or on craft which are part of the equipment of a port; or
- (c) a local area where activity of yellow fever virus is found in vertebrates other than man; or

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**[Subsidiary]**

- (d) a local area where there is an epidemic of typhus or relapsing fever;

**“infected person”** means a person who is suffering from a quarantinable disease, or who is believed to be infected with such a disease;

**“International Sanitary Regulations”** means the International Sanitary Regulations adopted by the Fourth World Health Assembly in 1951 and amended by the Eighth and Ninth World Health Assemblies in 1955 and 1956 and any subsequent amendment or addition thereto accepted by Government;

**“international voyage”** means—

- (a) in the case of a ship or aircraft, a voyage between ports or airports in the territories of more than one state, or a voyage between ports or airports in the territory or territories of the same state if the ship or aircraft has relations with the territory of any other state on its voyage but only as regards those relations;
- (b) in the case of a person, a voyage involving entry into the territory of a state other than the territory of the state in which that person commences his voyage;

**“isolation”**, when applied to a person or group of persons, means the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection;

**“local area”** means—

- (a) the smallest area within a territory, which may be a port or an airport, having a definite boundary and possessing a health organization which is able to apply the appropriate sanitary measures permitted or prescribed by these Rules; the situation of such an area within a larger area which also possessed such a health organization shall not preclude the smaller area from being a local area for the purposes of these Rules; or
- (b) an airport in connexion with which a direct transit area has been established;

**“medical examination”** includes visits to and inspection of a ship, an aircraft, a train or a road vehicle, and the preliminary examination of persons on board, but does not include the periodical inspection of a ship to ascertain the need for deratting; and for the purposes of this definition **“preliminary examination”** may include the physical examination of any person;

**“officer in command”** means—

- (a) in respect of an aircraft, the captain or officer for the time being in charge of the aircraft;
- (b) in respect of a ship, the master or other officer in command, other than a pilot of the ship;

**“port”** means a seaport or an inland navigation port which is normally frequented by ships;

**“quarantinable diseases”** means plague, cholera, yellow fever, smallpox, typhus and relapsing fever;

**“relapsing fever”** means louse-borne relapsing fever;

**“ship”** means a seagoing or an inland navigation vessel making an international voyage;

**“suspect”** means a person who is considered by the health officer as having been exposed to infection from a quarantinable disease and is considered capable of spreading that disease;

“**typhus**” means louse-borne typhus;

“**valid certificate**”, when applied to vaccination, means a certificate conforming with these Rules and in any of the forms set out in the Third, Fourth and Fifth Schedules;

“**vehicle**” means a vehicle as defined in the Traffic Act (Cap. 403);

“**yellow fever receptive area**” means an area in which the virus of yellow fever does not exist but where the presence of *Aedes aegypti* or any other domiciliary or peri-domiciliary vector of yellow fever would permit its development if introduced.

### 3. Duties of health officer

(1) Every health officer shall be responsible—

- (a) for the medical examination, if he considers it necessary, of any ship, aircraft, vehicle or train at any port, airport or frontier of Kenya;
- (b) for the taking of such health measures or precautions as he may consider necessary in connexion with those ships, aircraft, vehicles or trains;
- (c) for the sanitary and health supervision of all ships, aircraft, vehicles or trains at a port, airport or frontier post;
- (d) for the proper inspection, carrying out and enforcement on ships, aircraft, vehicles or trains, at a port, airport or frontier, of all measures for the destruction of rodents and for preventing the migration or multiplication of those rodents;
- (e) for ensuring the prompt detection and investigation of any sickness or mortality among rodents possibly due to plague;
- (f) for the proper carrying out and enforcement of the provisions of the Act and all rules made thereunder including these Rules.

(2) In the performance of his duties under these Rules, the health officer may authorize such other person to perform such part of his duties on his behalf as he may specify.

### 4. Duties of agents

Agents of ships shall, as early as possible, give notice in writing to the health officer of the port of the expected arrival of every ship in the form shown in the Seventh Schedule.

### 5. Procedure for grant of pratique

Pratique may be granted by radio to any ship or aircraft in respect of which the health officer for the intended port or airport of arrival is of the opinion, on the basis of information received from it before its arrival, that its arrival will not result in the introduction or spread of a quarantinable disease.

### 6. Additional sanitary measures may be taken

A health officer may apply such sanitary measures to the ship, aircraft, vehicle or train on arrival as, in his opinion, are necessary, depending on the conditions which exist on board the ship, aircraft, vehicle or train during the voyage or at the time of the medical examination.

### 7. Removal of infected persons

A health officer may order the removal and isolation of any infected person from any aircraft, ship, vehicle or train on its arrival.

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**[Subsidiary]****8. Suspect may be placed under surveillance**

(1) A health officer shall have power to place under surveillance any infected person or suspect on an international voyage arriving by whatever means in Kenya from an infected local area, and a health officer shall have power to require that person to report to him, if necessary, at specified intervals during the period of surveillance.

(2) In addition, a health officer shall have power to subject such person to medical examination and to make such inquiries as he may consider necessary for ascertaining his state of health.

(3) When a person under surveillance departs for another place within or outside Kenya, he shall inform the health officer, who shall immediately notify the health officer, medical officer of health or health administration of the place to which the person is proceeding.

**9. Steps to be taken when ship or aircraft refuses to submit to measures required by a health officer**

(1) Subject to paragraph (2), any ship or aircraft which is unwilling to submit to measures required by a health officer shall be allowed to depart forthwith but shall not during its voyage be permitted to call at any other port or airport in Kenya:

Provided that such ship or aircraft may be permitted to take on fuel, water and stores in quarantine.

(2) A ship or aircraft arriving at a port or airport situated in a yellow fever receptive area shall not be allowed to depart and shall be subject to all health measures prescribed by a health officer, if—

- (a) the aircraft is infected with yellow fever;
- (b) the ship is infected with yellow fever, and *Aedes aegypti* have been found on board and medical examination shows that any infected person has not been isolated in good time.

**10. Aircraft lands elsewhere than airport**

(1) If, for reasons beyond the control of the officer in command, an aircraft lands elsewhere than at an airport, the officer in command shall make every effort to communicate with the nearest medical officer of health or any other public authority forthwith.

(2) As soon as a medical officer of health has been informed of the landing of an aircraft in circumstances described above, he shall take such action as he considers proper, and shall immediately communicate with the health administration.

(3) No person on board the aircraft shall leave its vicinity except for the purpose of communicating with any such health officer or public authority, or with the permission of such officer, and no cargo shall be removed from the vicinity of the aircraft.

(4) After any sanitary measures required by the medical officer of health and health administration have been completed, the aircraft may proceed to the airport at which it was due to land.

(5) The officer in command may take such emergency measures as may be necessary for the health and safety of his passengers and crew.

**11. Flag “Q”**

The officer in command of every ship anchoring off or arriving at any port in Kenya shall immediately hoist the flag known as flag “Q” unless pratique has been granted by radio as hereinbefore provided and the said flag shall be kept flying until pratique has been granted.



**12. Restricted pratique**

(1) Where restricted pratique has been granted to any ship under section 62 of the Act, the health officer shall specify in writing to the officer in command thereof the conditions and restrictions imposed, and the officer in command shall cause a copy thereof to be posted in a conspicuous place on the vessel.

(2) Failure or refusal by the officer in command to observe or comply with any such conditions or restrictions shall constitute an offence, and, in addition, the health officer for the port may place the vessel in quarantine should he consider that course necessary in the interests of public health.

**13. Information and assistance**

It shall be the duty of the officer in command of any ship or aircraft and of all other officers and persons on board any ship or aircraft to give all such assistance and information to the health officer as may be required by him in carrying out his duties under these Rules.

**14. List of passengers, crew and cargo**

A health officer may require the officer in command of any ship or aircraft having or suspected of having on board the infection of any infectious disease to furnish in respect of such vessel or aircraft—

- (a) a list of all passengers showing full particulars in respect of each passenger;
- (b) a list of crew giving full particulars of each member;
- (c) a list of all cargo and a full description thereof.

**15. Control of sewage**

A health officer may take all practicable measures to control the discharge from any ship of sewage and refuse which might contaminate the waters of a port, river or canal.

**16. Aircraft to land at scheduled airport**

No aircraft arriving in Kenya from beyond the borders of Kenya shall make its first landing in Kenya at any place other than one of the scheduled airports set out in the First Schedule:

Provided that this Rule shall not apply to an aircraft commencing its voyage at any airport in Uganda or Tanzania.

**17. Access to the public**

A health officer shall have power to prohibit any member of the crew of or any passenger upon any ship, aircraft, vehicle or train arriving in Kenya from having access to the public or from leaving the port, airport or frontier until authorized to do so by the health officer.

**18. Handling of food**

(1) A health officer shall have power to medically examine any person whose duties include the handling of food or drink for human consumption either on a ship or aircraft or within a port or airport, and he may carry out such clinical, bacteriological or protozoological examination of such person as he may consider necessary, and may prohibit such person from carrying out the duties referred to above or any part thereof pending the result of such examination.

(2) If, as a result of such examination, or from any other evidence, a health officer is satisfied that such person is a carrier of infectious disease, he may, by written notice to

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the officer in command of the ship or aircraft and to the manager of the port or airport and to such person, prohibit the employment of such person for any specific period of time in a place where food or drink is handled.

**19. Medical examination before departure**

(1) A health officer shall have power to carry out a medical examination, when he considers it necessary, of any person before his departure from Kenya on an international voyage, and, subject to section 60 of the Act, any person who refuses to submit to such medical examination shall be guilty of an offence.

(2) A health officer shall take all practicable measures—

- (a) to prevent the departure of any infected person or suspect from Kenya, and he may prohibit the embarkation or order the removal of such infected person or suspect from any ship or aircraft;
- (b) to prevent the introduction on board a ship, aircraft, train or vehicle of possible agents of infection or vectors of a quarantinable disease.

(3) Notwithstanding the provisions of subparagraph (a) of paragraph (2), a person on an international voyage who is placed under surveillance on his arrival in Kenya may be allowed to continue his voyage, and, if he does so by air, the health officer shall record the fact on the general declaration relating to the aircraft.

(4) A health officer shall have power to prohibit the departure of any person from Kenya by any means who has not complied with the health regulations of the country to which he is travelling, provided such health regulations are not in excess of the requirements of the International Sanitary Regulations.

**20. Sanitary measures in respect of luggage and animals**

(1) A health officer shall have power to submit to sanitary measures all goods or baggage, including a passenger's personal effects, if he has reason to believe that they may have become contaminated by the infection of a quarantinable disease or may serve as a vehicle for the spread of the disease.

(2) A health officer shall have power to submit to sanitary measures all live animals entering or leaving Kenya.

(3) All baggage belonging to an infected person or suspect may be disinfected and disinfected on the instructions of a health officer, and a health officer shall have power to disinfect or disinsect the baggage of any other person where he has reason to believe that that person may be carrying infected material or insect vectors of a quarantinable disease.

**21. Sanitary measures in respect of postal parcels**

A health officer shall have power to subject to sanitary measures all postal parcels if—

- (a) they contain any fish, shell fish, fruit or vegetables to be consumed uncooked, or beverages, which are not contained in sealed containers and which the health officer has reason to believe come from a cholera-infected area; or
- (b) they contain linen, wearing apparel or bedding which has been used or soiled.

**22. Quarantine**

Where the infection of plague, cholera, yellow fever, smallpox, typhus or relapsing fever exists, or is suspected to exist, in any person animal or thing on board any ship, aircraft, vehicle or train, the health officer may—

- (a) notify the officer in command of the ship or aircraft, or the person in charge of the vehicle or train, that he intends to place the ship, aircraft, vehicle or train in quarantine; or

- (b) require the officer in command to remove the ship or aircraft in quarantine to another port or airport:

Provided that no officer, other than the health officer, shall require the removal of a ship or aircraft, without the previous approval of the Director.

### **23. Flag “L” and warning lights**

(1) Unless the officer in command of a ship elects to leave the port in terms of section 66 of the Act, the health officer shall then place the ship in quarantine and, in co-operation with the port manager, shall fix the mooring place of the ship.

(2) The officer in command of every ship in quarantine shall cause the quarantine flag, namely that known as flag “L” being a large flag of yellow and black, borne quarterly, to be flown between sunrise and sunset in the most conspicuous position on his ship.

(3) During the hours between sunset and sunrise, a night signal shall be shown, consisting of three lights, arranged at a distance of not less than six feet apart, in the form of an equilateral triangle, of which the light at the apex of the triangle shall be white, and the other lights, at the end of the base, shall be red in colour; the said night signal shall be shown in the most conspicuous place on, and at a height of not less than 20 feet above, the hull of the ship.

### **24. Communication with quarantined ship or aircraft**

Except in the event of danger, no officer in command, or person in charge, of a ship, aircraft, vehicle or train in quarantine shall allow any person on board to leave such ship, aircraft, vehicle or train, or to send any article or thing out of the ship, aircraft, vehicle or train, or to communicate with any other ship, aircraft, vehicle or train except with permission of the health officer or other person duly authorized by him.

### **25. Quarantine of prohibited immigrant**

(1) Whenever a health officer lands in quarantine any person who has not been granted authority to enter Kenya after examination by an immigration officer, he shall immediately inform the immigration officer of the name of that person, the name of the ship or aircraft by which the person arrived and the name of the port or airport at which he arrived, together with the place at which the person is being detained.

(2) A health officer shall give such immigration officer and the officer in command and agents of such ship or aircraft due notice, in advance, of the release of such person from quarantine, and, upon being so released, such person shall revert to the custody of the officer in command and agents of such ship or aircraft and shall be subject to the order of the immigration officer.

(3) All expenses incurred in connexion with the detention and maintenance, including expenses of escort and identification of such person until permitted to enter Kenya, and for his repatriation in the event of his being declared a prohibited immigrant, shall be payable by the officer in command or owners of such ship or aircraft.

(4) Nothing in these Rules shall be construed as relieving the officer in command or owners of any ship or aircraft of any liability imposed on them under the immigration laws in force for the time being in Kenya.

(5) The expenses referred to in paragraph (3) shall be a civil debt and recoverable summarily.

### **26. Places of isolation**

(1) The boundaries of every place of isolation which may be established under these Rules shall be demarcated by a fence or otherwise.

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(2) Any person leaving or attempting to leave such place without due authority shall be guilty of an offence.

(3) Any person escaping or attempting to escape from any ship or aircraft in quarantine or from any place of isolation shall be guilty of an offence, and may be arrested and taken back thereto by any guard or any member of the police.

**27. Orders or instructions by health officer**

(1) A health officer may, in respect of any ship, aircraft, vehicle or train in quarantine or any place of isolation, give such orders or instructions as he may deem necessary for safeguarding the health of persons so isolated, or the public health.

(2) Any person failing or refusing to comply with any lawful order or instructions so given shall be guilty of an offence.

**28. Instructions to officers in command**

The officer in command of any ship or aircraft, or the person in charge of any vehicle or train in quarantine, or having on board any infected person, or suspect, or any person suffering, or suspected to be suffering, from any infectious disease, shall carry out the orders of the health officer in regard to the isolation of such person, disinfection or otherwise.

**29. Isolation of infected persons, etc.**

(1) All infected persons or suspects, animals, baggage or other articles of any description shall, wherever possible, be removed from a ship or aircraft and isolated on land and the infection eradicated with all possible speed.

(2) No ship or aircraft, vehicle or train shall be detained in quarantine after the removal therefrom of all infected persons and the eradication of infection on board.

**30. Plague**

The following provisions shall apply to plague—

- (a) for the purposes of these Rules the incubation period of plague shall be six days;
- (b) it shall be the duty of the officer in command of a ship or aircraft, in a port or airport, infected by plague to take all necessary steps to prevent the introduction of rodents on board such ship or aircraft;
- (c) it shall be the duty of the officer in command of every ship to ensure that the ship shall be—
  - (i) periodically deratted; or
  - (ii) permanently kept in such condition that the number of rodents on board is negligible;
- (d) a health officer shall have power to issue a deratting certificate or deratting exemption certificate in the form set out in the Second Schedule; the certificate shall be valid for a period of six months but this period may be extended by the health officer in writing;
- (e) if the officer in command fails to produce a valid certificate of the type mentioned in paragraph (d), a health officer shall have power to make inquiries and to inspect the ship and, if necessary, shall have power to proceed in the following manner—
  - (i) he may derat the ship or cause deratting to be done under his direction and control; it shall be a matter for the discretion of the health officer as to which technique shall be employed to secure the

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extermination of rodents on the ship; when deratting has been satisfactorily completed the health officer shall issue a deratting certificate;

- (ii) a health officer shall have power to issue a deratting exemption certificate if he is satisfied that the number of rodents on board is negligible; the certificate shall be issued only if the inspection of the ship has been carried out when the holds are emptied or when they contain only ballast or other material unattractive to rodents and which does not prevent a thorough inspection of the holds; a deratting exemption certificate may be issued for an oil tanker with full holds;
- (f) if a health officer is of the opinion that the conditions under which a deratting was carried out were such that a satisfactory result could not be obtained, he shall make a note to that effect on the existing deratting certificate;
- (g) if a health officer has reason to suspect the presence of rats on board an aircraft, he shall have power to order that the aircraft be deratted;
- (h) before departure on an international voyage from a local area where there is an epidemic of pulmonary plague, a health officer shall have power to place in isolation, for a period of six days, every person suspected of having been infected by the plague;
- (i) for the purpose of this Rule, a ship or aircraft on arrival shall be regarded as infected if—
  - (i) it has a case of human plague on board; or
  - (ii) a plague-infected rodent is found on board;
  - (iii) in the case of a ship, a case of human plague has occurred on board more than six days after embarkation;
- (j) for the purposes of this rule, a ship, on arrival, shall be regarded as suspect if—
  - (i) it has no case of human plague on board but such a case has occurred on board within the first six days after embarkation;
  - (ii) there is evidence of an abnormal mortality among rodents on board, of which the cause is not yet known;
- (k) a health officer shall have power to carry out a medical examination of a ship or aircraft coming from an infected local area, and, if he is satisfied that the conditions specified in paragraphs (i) and (j) do not exist, such ship or aircraft shall be regarded as healthy;
- (l) on the arrival of an infected or suspected ship or an infected aircraft, a health officer shall have power—
  - (i) to disinfect any suspect or order that he be kept under surveillance for a period of not more than six days from the date of arrival;
  - (ii) to disinfect and if necessary disinfect—
    - (a) any baggage of any infected person or suspect; and
    - (b) any other article such as used bedding or linen and any part of the ship or aircraft which he considers to be contaminated;
- (m) if there is rodent plague on board the ship, the health officer shall order it to be deratted, if necessary in quarantine:
 

Provided that the deratting shall be carried out in such manner and at such time as to cause least inconvenience in the unloading of a ship;
- (n) if a rodent which has died of plague is found on board an aircraft, the health officer shall order that the aircraft be deratted, if necessary, in quarantine;

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- (o) on arrival, it shall be the duty of a health officer to give free pratique to a healthy ship or aircraft;  
 Provided that if it has come from an infected local area the health officer shall have power—
  - (i) to place under surveillance any suspect who disembarks, for a period of not more than six days, reckoned from the date on which the ship or aircraft left the infected local area;
  - (ii) to order the destruction of rodents on board the ship or aircraft;
- (p) if on arrival of a train or vehicle at a frontier a case of human plague is discovered, the measures provided by this Rule may be applied by the health officer, and he shall have power to disinsect and, if necessary, disinfect any part of the train or vehicle which he considers has been contaminated.

**31. Cholera**

The following provisions shall apply to cholera—

- (a) for the purposes of these Rules, the incubation period of cholera shall be five days;
- (b) a health officer shall have power to apply the following measures to a person on an international voyage who has come from an infected local area within the incubation period—
  - (i) if such person is in possession of a valid certificate of vaccination against cholera, the health officer may order that he be placed under surveillance for a period of not more than five days reckoned from the date of his departure from the infected local area;
  - (ii) if he is not in possession of such a certificate, the health officer may order that he be placed in isolation for a like period;
- (c) a ship shall be regarded as infected for the purposes of this rule if, on arrival, it has a case of cholera on board, or if a case of cholera has occurred during a period of five days before arrival;
- (d) a ship shall be regarded as suspected for the purposes of this rule if a case of cholera has occurred on board during the voyage, but no fresh case has occurred during a period of five days before arrival;
- (e) an aircraft shall be regarded as infected for the purposes of this rule if, on arrival, it has a case of cholera on board and shall be regarded as suspected if a case of cholera has occurred on board during the voyage but has previously been disembarked before arrival in Kenya;
- (f) even if a ship or aircraft has come from an infected local area or has on board a person coming from such area, such ship or aircraft shall be regarded as healthy on arrival if, on medical examination, the health officer is satisfied the no case of cholera has occurred on board during the voyage;
- (g) the health officer shall have power, on the arrival of an infected or suspected ship or aircraft—
  - (i) to place under surveillance for a period of not more than five days, reckoned from the date of disembarkation, any passenger or member of the crew in possession of a valid certificate of vaccination against cholera and isolate all others who disembark for a like period;
  - (ii) to disinfect any baggage of any infected person suspect and any other article such as used bedding or linen and any part of the ship or aircraft which he considers has been contaminated;

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- (iii) to disinfect and remove any water carried on board which he considers to be contaminated and to disinfect the containers;
- (h) a health officer shall have power to prohibit the discharge or unloading of any waste water, waste matter, human excreta or other matter which is considered to be contaminated without previous disinfection, and the health officer shall have power to arrange for their safe disposal;
- (i) in addition to the other measures provided by this Rule a health officer shall have power to place under surveillance for a period of not more than five days from the date of the arrival any passenger or member of the crew who disembarks from a ship or aircraft;
- (j) if, on the arrival of a train or vehicle at a frontier, a case of cholera is discovered, a health officer shall have power—
  - (i) without prejudice to the measures provided for in paragraph (b), to place under surveillance any suspect for a period of not more than five days from the date of arrival;
  - (ii) to disinfect the baggage of the infected person and if necessary that of any suspect, and any other article such as used bedding or linen and any part of any train or vehicle which he considers has been contaminated;
- (k) on the arrival of an infected or suspected ship or aircraft or of a train or vehicle on which a case of cholera has been discovered, or of any ship or aircraft, train or vehicle coming from an infected local area, a health officer may prohibit the unloading of, or may remove, any fish, shell-fish, fruit or vegetables intended to be consumed uncooked, or beverages, unless such food or beverages are in sealed containers and the health officer has no reason to believe that they are contaminated; it shall be the duty of the health officer to make arrangements for the safe disposal of any such food or beverages removed under this rule;
- (l) if such food or beverages forms part of the cargo in the hold of a ship or the freight compartment of an aircraft, the health officer alone shall have power to remove it:
 

Provided that the officer in command of an aircraft shall have the right to require the removal of any such food or beverages in the aircraft;
- (m) a health officer shall have power to require any person on an international voyage who has come from an infected local area within the incubation period of cholera and who has symptoms indicative of cholera to submit to stool examination.

**32. Yellow fever**

The following provisions shall apply to yellow fever—

- (a) for the purposes of these Rules, the incubation period of yellow fever shall be six days;
- (b) a health officer shall have power to prohibit the departure of any person on an international voyage from an infected local area to a yellow fever receptive area unless such a person is in possession of a valid certificate of vaccination against yellow fever:

Provided that, if such person is in possession of such a certificate which is not yet valid, the health officer may permit him to depart but, on arrival at a yellow fever receptive area, such person may be isolated until his certificate becomes valid or until the incubation period of the disease has expired;



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- (c)
  - (i) every person employed at an airport situated in an infected local area, and every member of the crew of an aircraft using such airport, shall be in possession of a valid certificate of vaccination against yellow fever;
  - (ii) a health officer shall have power to disinsect every aircraft leaving an airport situated in an infected local area and bound for a yellow fever receptive area;
  - (iii) a health officer shall have power to disinsect every ship or aircraft leaving a port or airport where *Aedes aegypti* still exists and bound for a port where *Aedes aegypti* have been eradicated;
- (d) a health officer shall have power to prohibit the departure of any person who has come from an infected local area and is unable to produce a valid certificate of vaccination against yellow fever and who is due to proceed on an international voyage to an airport in a yellow fever receptive area at which means for securing isolation is not available;
- (e)
  - (i) a ship shall be regarded as infected if, on arrival, it has a case of yellow fever on board or if a case has occurred on board during the voyage, and a ship shall be regarded as suspected if it has left an infected local area less than six days before arrival or if arriving within 30 days of leaving such a port the health officer finds *Aedes aegypti* on board;
  - (ii) all other ships shall be regarded as healthy for the purposes of this Rule;
  - (iii) an aircraft shall be regarded as infected if on arrival it has a case of yellow fever on board, and an aircraft shall be regarded as suspected if the health officer is not satisfied with a disinsecting carried out on the aircraft and finds live mosquitoes on board;
  - (iv) all other aircraft shall be regarded as healthy for the purpose of this rule;
- (f) on arrival of an infected or suspected ship or aircraft, a health officer shall have power—
  - (i) in yellow fever receptive areas to isolate any passenger or member of the crew who disembarks and is not in possession of a valid certificate of vaccination against yellow fever;
  - (ii) to inspect the ship or aircraft and destroy any *Aedes aegypti* found on board;
  - (iii) to order that a ship in a yellow fever receptive area be required to keep at least 400 metres from land until such measures have been carried out,

and when the measures required by the health officer have been effectively carried out a ship or aircraft shall cease to be regarded as infected or suspected and shall be given free pratique;
- (g) on the arrival of a healthy ship or aircraft from an infected local area the measures provided for in subparagraphs (ii) and (iii) of paragraph (f) may be applied by the health officer, who shall thereupon give free pratique to the ship or aircraft;
- (h) the health administration shall have power to prohibit the landing of any aircraft in a yellow fever receptive area coming from an infected local area elsewhere than at airports specified by the health administration for that purpose;



- (i) on the arrival of a ship, aircraft, train or vehicle in a yellow fever receptive area a health officer shall have power—
  - (i) to isolate any person coming from an infected local area who is not able to produce a valid certificate of vaccination against yellow fever until his certificate becomes valid or until the expiry of a period of not more than six days reckoned from the date of his last possible exposure to infection, whichever occurs first;
  - (ii) to disinfect the ship, aircraft, train or vehicle if it has come from an infected local area;
- (j) in a yellow fever receptive area it shall be the duty of the health administration to provide mosquito-proof accommodation for the purposes of isolating persons under this rule.

### 33. Smallpox

The following provisions shall apply to smallpox—

- (a) for the purposes of these Rules, the incubation period of smallpox shall be fourteen days;
- (b) a health officer shall have power to prohibit the disembarkation of any person on an international voyage who does not possess, on arrival, a valid certificate of vaccination against smallpox:
 

Provided that a person who cannot produce the certificate may be vaccinated by the health officer, and if that person refuses to be vaccinated the health officer shall have power to place such person under surveillance or in isolation for not more than fourteen days reckoned from the date of his departure from the last territory visited before arrival;
- (c) in the case of a person on an international voyage who, during the period of fourteen days before his arrival, has visited an infected local area and, in the opinion of a health officer, is not sufficiently protected by vaccination or by a previous attack of smallpox, a health officer shall have power—
  - (i) to require that that person be vaccinated; or
  - (ii) to place that person under surveillance; or
  - (iii) to order that person to be vaccinated and then placed under surveillance;
  - (iv) in the event of the person refusing to be vaccinated to order that he or she be isolated:
 

Provided that the period of surveillance or isolation shall not be more than fourteen days reckoned from the date of his departure from an infected local area;
- (d) for the purposes of paragraph (b), a valid certificate of vaccination against smallpox shall be considered as evidence of sufficient protection;
- (e) a ship or aircraft shall be regarded as infected for the purposes of this rule if, on arrival, it has a case of smallpox on board or if such a case has occurred on board during the voyage;
- (f) any other ship or aircraft shall be regarded for the purposes of this rule as healthy even although there may be suspects on board; but, in the event of any suspect disembarking, he shall be subject to the measures provided for in paragraph (g);
- (g) on the arrival of an infected ship or aircraft, a health officer shall have power—
  - (i) to offer vaccination to any person on board who in his opinion is not sufficiently protected against smallpox;

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- (ii) to isolate or place under surveillance any person disembarking for a period of not more than fourteen days reckoned from the date of last exposure to infection:  
Provided that the health officer shall take into account the previous vaccinations of the person and the possibility of his having been exposed to infection in determining the period of the isolation or surveillance;
- (iii) to disinfect—
  - (i) any baggage of any infected person; and
  - (ii) any baggage or article such as used bedding or linen in any part of the ship or aircraft which is considered by the health officer to be contaminated;
- (h) for the purposes of this Rule, a ship or aircraft shall continue to be regarded as infected until every infected person has been removed and until the measures required by the health officer under this rule have been effectively carried out, and thereafter the ship or aircraft shall be given free pratique;
- (i) a healthy ship or aircraft shall on arrival be given free pratique even when it has come from an infected local area;
- (j) if a case of smallpox is discovered on the arrival of train or road vehicle, a health officer shall have power to remove the infected person and place him under surveillance or isolation with or without vaccination as may be necessary, any period of surveillance or isolation being reckoned from the date of arrival, and a health officer shall have power to disinfect any part of the train or vehicle which he considers to be contaminated.

**34. Typhus**

The following provisions shall apply to typhus—

- (a) for the purposes of these Rules, the incubation period of typhus shall be fourteen days;
- (b) if a health officer or medical officer of health considers that a person departing from an infected local area on an international voyage is liable to spread typhus, he shall have power to order that such person may be disinfected and also that the clothes which such person is wearing, baggage and anything likely to spread typhus shall also be disinfected and if necessary disinfected;
- (c) a health officer shall have power, if he considers it necessary to disinfect and put under surveillance for a period of not more than fourteen days, reckoned from the date of disinfecting, any person on an international voyage who has left an infected local area within the previous fourteen days; a health officer shall also have power to disinfect and, if necessary disinfect the clothes which such person is wearing, his baggage and any other article likely to spread typhus;
- (d) on arrival, a ship or an aircraft shall be regarded as healthy even if it has an infected person on board:  
Provided that a health officer shall have power—
  - (i) to order that an infected person may be removed and isolated;
  - (ii) to disinfect any suspect;
  - (iii) to disinfect the accommodation occupied by the infected person and by any suspect, together with the clothes they are wearing, their baggage and any other article likely to spread typhus, and such articles may also be disinfected if necessary;

- (e) if a case of typhus is discovered on the arrival of a train or vehicle, a health officer shall have power to apply any of the measures prescribed by this rule for a ship or aircraft.

### 35. Relapsing fever

The following provisions shall apply to relapsing fever—

- (a) for the purposes of this Rule, the incubation period of relapsing fever shall be eight days;
- (b) the provisions of rule 34 with regard to typhus shall apply to relapsing fever:

Provided that, if a person is placed under surveillance, the period of the surveillance shall not be more than eight days reckoned from the date of disinfection.

### 36. Used clothing

(1) Every consignment (excluding the personal effects of travellers) of bedding, blankets, body linen or other articles of clothing which have been used, or any rags, flocks made of rags, used sacks, carpets or any similar article which has been in use, and which is landed at any port or airport in Kenya shall be declared as such to the customs authorities at the port or airport and a certified statement submitted showing the place of origin and precise composition of the consignment.

(2) Every consignment or part thereof intended for sale or disposal in Kenya shall be accompanied by a sufficient certificate, furnished by the recognized public authority at the port of shipment or place of origin of the consignment, to the effect that the articles mentioned therein are clean and have been efficiently disinfected to the satisfaction of that authority.

(3) Such certificate shall in addition state in detail the method of disinfection and the apparatus used, and be accompanied by a certificate or other satisfactory evidence that the consignment has not been opened, nor interfered with, since the issue of the certificate.

(4) Every consignment, whether accompanied by a certificate or not, shall be detained by the customs pending its inspection or examination by a health officer or by any person authorized by him to do so on his behalf.

(5) For the purposes of this rule, “**efficiently disinfected**” means disinfected to the satisfaction of a health officer.

(6) Failing the production of satisfactory certificates as provided for in paragraph (2) of this Rule, or if, despite the production of such certificates, the articles are found to be dirty or unclean, the whole of such consignment shall be disinfected at the port of entry to the satisfaction of a health officer at the sole expense, risk and delay of the consignee.

(7) If in the opinion of a health officer a consignment, or any part thereof, cannot be satisfactorily disinfected, he may destroy or order the destruction of the whole or any part of the consignment:

Provided that—

- (i) if the goods to be destroyed exceed one thousand shillings in value the previous consent in writing of the Director must be obtained;
- (ii) where the goods to be destroyed exceed one thousand shillings in value such destruction shall not be carried out if the owner or consignee re-exports the said goods within a period of four weeks of the destruction order.

(8) In the case of a consignment intended for places outside Kenya, if unaccompanied by a certificate in terms of paragraph (2), the consignment may be landed under such

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**[Subsidiary]**

guarantees as the Commissioner of Customs and Excise may require, provided such consignment will be conveyed to its destination outside Kenya without being opened, unpacked or disposed of within Kenya:

Provided that the government of any East African Territory may request the Government to apply the provisions of this Rule to all articles consigned to places within its territory, in which event the same requirements shall be enforced in respect of all such articles as if they had been consigned to a place within Kenya.

(9) The recognized authority for granting the certificate of disinfection mentioned in paragraph (2) shall be—

- (a) the port health or sanitary authority of any British port at which a consignment was shipped; or
- (b) the local health or sanitary authority for any area in the United Kingdom or British colony at which the goods have been packed; or
- (c) the port health or sanitary authority of the municipality or other local health authority at any foreign port, or at any place abroad at which the goods have been packed.

(10) All expenses in respect of any disinfection carried out by the health administration under these Rules shall be paid by the owner or consignee or his agent, who shall also be responsible for the cost of any transport, unpacking or repacking which may be necessary.

**37. Disinfection and destruction of articles**

A health officer shall have power—

- (a) to cause to be disinfected any article or thing on board or landed from any ship or aircraft which is infected or suspected to be infected;
- (b) to prohibit the landing from any ship or aircraft of any infected article or thing until it has been disinfected to his satisfaction:

Provided that any article or thing may be landed for the purpose of disinfection with the written permission of a health officer and subject to such conditions and restrictions as he may specify;

- (c) to order the destruction of any article or thing which in the opinion of the health officer cannot be satisfactorily disinfected, either by or at the expense of the officer in command or agent of the ship or aircraft:

Provided that—

- (i) if the value of such article or thing exceeds one thousand shillings the previous consent of the Director must be obtained;
- (ii) mail (excluding parcels conveyed by post) which is contained in clean intact bags or packages shall not be liable to disinfection.

**38. Certificate of disinfection**

A health officer shall furnish, if so requested by the officer in command, owners or agents of any vessel or aircraft, a certificate stating the measures taken and the reasons therefor, or shall enter those particulars on the declaration of health to be furnished to the officer in command of such ship or aircraft before it leaves Kenya.

**39. Destruction of unsound food**

A health officer, or other person duly authorized in writing by him, shall have power—

- (a) to inspect and examine, detain, seize or remove for the purpose of examination any article of food or drink on board any ship or aircraft and within any airport, port or harbour; and

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- (b) if he is of the opinion that such food or drink is diseased or otherwise unfit for human consumption, to order it to be treated or disposed of in order to avoid danger to health;
- (c) to order the destruction of such article:

Provided that if the value of the article exceeds one thousand shillings he shall first obtain the previous consent of the Director, and any expenses incurred in connexion with such treatment or destruction shall be payable by the owner of such article or his agent and shall be recoverable as a civil debt.

#### 40. Prevention of nuisance in port

(1) It shall be an offence if the officer in command of any ship causes or permits any manure, excreta or refuse of any kind to be thrown overboard from any ship in any harbour or port so as to constitute a nuisance in the opinion of a health officer or the port manager.

(2) The officer in command of a ship shall cause any such things to be removed to a place set apart for the purpose or otherwise disposed of as a health officer may direct.

(3) Carcasses of dead animals and other offensive things shall be separately disposed of.

(4) In the case of a cattle ship or other ship which in the opinion of a health officer is in a filthy condition or has a large quantity of manure or other offensive matter on board, a health officer, after consultation with the port manager, may order the officer in command to remove such ship to a specified distance beyond the harbour area and there to cleanse his ship.

#### 41. Nuisances on board ships or aircraft

(1) It shall be the duty of the officer in command of any ship or aircraft to prevent the existence of any nuisance or danger to health on his ship or aircraft.

(2) In the event of any such nuisance or danger to health arising, a health officer shall have power to order the officer in command of such ship or aircraft to remedy it forthwith and to take such measures as he may specify to prevent its recurrence.

(3) Failure or refusal to carry out any such requirements shall be an offence, and, in addition, the officer in command may be ordered to remove his ship or aircraft from the port or airport until such nuisance or danger to health has been remedied.

#### 42. Removal of nuisance

(1) Where any nuisance is caused by any article within any harbour, port or airport, the health officer shall have power to order the owner thereof, or his agent, or consignee, to remove the cause of the nuisance forthwith.

(2) If such person fails to do so, or cannot be found, the health officer, after consultation with the Commissioner of Customs and Excise or port manager, may order or cause the nuisance to be removed and, if necessary for that purpose, may cause such article to be destroyed.

(3) Any expense incurred in so doing shall be payable by the owner of such article or cargo or his agent or other responsible person and shall be recoverable as a civil debt.

#### 43. Prohibition of nuisance

It shall be an offence for any person to cause a nuisance or foul any public latrine or urinal within any port or airport.

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**[Subsidiary]****44. Maritime Declaration of Health**

(1) The officer in command of a ship on an international voyage shall, before arriving at its first port of call in Kenya, ascertain the state of health on board, and, on arrival, shall complete and deliver to the health officer for the port a Maritime Declaration of Health, which shall be countersigned by the ship's surgeon if one is carried.

(2) The officer in command and the ship's surgeon shall supply any further information required by the health officer as to the health conditions on board during the voyage.

(3) A Maritime Declaration of Health shall be in the form set out in the Sixth Schedule.

(4) Any officer in command who fails to carry out any of the provisions of this rule shall be guilty of an offence.

**45. Aircraft Health Declaration**

(1) The officer in command of an aircraft on landing at an airport, or his authorized agent, shall complete and deliver to the health officer for the airport a copy of that part of the Aircraft General Declaration which contains the following information—

- (a) illness suspected of being of an infectious nature which has occurred on board during the flight;
- (b) any other condition on board which may lead to the spread of disease;
- (c) detail of each disinsecting or other sanitary treatment (place, date, time, method) during the flight; if no disinsecting has been carried out during the flight details of the most recent disinsecting should be given.

(2) The officer in command of an aircraft, or his authorized agent, shall supply any further information required by the health officer as to health conditions on board during the voyage.

(3) Any officer in command of an aircraft who fails to carry out any of the provisions of this rule shall be guilty of an offence.

**46. Certificates**

(1) For the purposes of these Rules, a deratting certificate shall be in the form in the Second Schedule.

(2) For the purposes of these Rules, a certificate of vaccination or revaccination against cholera shall be in the form in the Third Schedule.

(3) For the purposes of these Rules, a certificate of vaccination or revaccination against yellow fever shall be in the form in the Fourth Schedule.

(4) For the purposes of these Rules, a certificate of vaccination or revaccination against smallpox shall be in the form in the Fifth Schedule.

**47. Vaccination certificates of armed forces**

For the purposes of these Rules, a vaccination document issued by the armed forces to an active member of these forces shall be accepted by the health administration in lieu of a certificate in the forms referred to in rule 46, provided that—

- (a) it embodies medical information substantially the same as that required by such forms; and
- (b) it contains a statement regarding the nature and the date of the vaccination and to the effect that it is issued in accordance with the provisions of the International Sanitary Regulations.

**48. Additional sanitary measures**

A health officer shall have power to prescribe and enforce such additional sanitary measures as he may consider necessary in respect of—

- (a) migrants;
- (b) seasonal workers or persons taking part in periodic mass congregations;
- (c) movements of troops;
- (d) any ship, aircraft, train or vehicle carrying such persons.

**49. Recovery of expenses**

(1) All expenses incurred by Government—

- (a) in dealing with any person on a ship, aircraft, train or vehicle or recently landed from a ship, aircraft, train or vehicle, suffering or suspected to be suffering from any infectious disease or from any other disease which the health administration may have notified in the *Gazette*; or
- (b) in connexion with the detention in quarantine of any ship, aircraft, train or vehicle or the isolation, accommodation, care and treatment of any person suffering from, or who has been exposed to infection from, any infectious disease; or
- (c) in eradicating any infectious disease in any ship, aircraft, train or vehicle or in any article or thing on board any ship, aircraft, train or vehicle,

shall be payable by the master, owner or agent of such ship, aircraft, train or vehicle and shall be recoverable as a civil debt.

(2) For the carrying out of the services mentioned in paragraph (1) of this Rule, a health officer may require the officer in command, owner or agent of such ship, aircraft, train or vehicle to furnish satisfactory security or guarantees in respect of payment thereof or he may require payment thereof in advance.

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**FIRST SCHEDULE**

[Rules 2 and 16, L.N. 295/1979, r. 2.]

**AIRPORTS**

- 1. Jomo Kenyatta International Airport — Nairobi.
  - 2. Moi International Airport — Mombasa.
  - 3. Wilson Airport — Nairobi.
  - 4. Kisumu Airport.
-

[Subsidiary]

## SECOND SCHEDULE

[Rules 30 and 46(1).]

MED. 272

## MEDICAL DEPARTMENT

DERATTING CERTIFICATE\*—*CERTIFICATE DE DERATISATION\**  
 DERATTING EXEMPTION CERTIFICATE\*—*CERTIFICAT D'EXEMPTION DE DERATISATION\**

Issued in accordance with Article 52 of the International Sanitary Regulations  
*Delivre conformément a l'article 52 du Reglement Sanitaire International*

(Not to be taken away by Port Authorities.)—(*Ce certificat ne doit pas être retiré par les autorités portuaires.*)

PORT OF ..... *PORT DE* .....

*Date—Date* .....

THIS CERTIFICATE records the inspection and { deratting\*  
exemption\* } at this port and on the above date.

*LE PRESENT CERTIFICAT atteste l'inspection et { la dératisation\*  
exemption\* } en ce port et a la date ci-dessus.*

of the { ship  
inland navigation vessel } \* ..... of { net tonnage for a sea-going vessel ..... } \*  
.....tonnage for an inland navigation vessel } †

*du navire .....de ..... { tonnage net, dans le cas d'un navire de haute mer  
tonnage ..... dans le cas d'un navire de navigation interleure } \**

\*At the time of { inspection  
deratting } \*the holds were laden with ..... tons of ..... cargo.

*Au moment de { l'inspection  
la deratisation } \*les cales etaient chargees de ..... tonnes  
de .....cargo.*

(\*Strike out the unnecessary indications—*Rayer les mentions Inutiles.*)

(†Specify whether applies to metric displacement or any other method of determining the tonnage—*Specifiez s'il s'agit de déplacement métrique ou, sinon, de quel autre tonnage il s'agit.*)

RECOMMENDATIONS MADE — OBSERVATIONS.— In case of exemption, state here the measures taken for maintaining the vessel or inland navigation vessel, in such a condition that the number of rats on board is negligible.—*Dans le cas d'exemption indiquer ici les mesures prises pour que le navire soit maintenu dans des conditions telles que le nombre de rats a bord soit négligeable.*

.....  
*Seal, Name, Qualification and Signature of  
 Inspector  
 Cachet, Nom, Qualit et Signature de l'inspecteur*

THIS CERTIFICATE SHOULD BE KEPT ON THE SHIP



## SECOND SCHEDULE—continued

## DERATTING CERTIFICATE (a) — CERTIFICAT DE DERATISATION (a)

## DERATTING EXEMPTION CERTIFICATE (a) — CERTIFICAT D'EXEMPTION DE DERATISATION (a)

			Rat Harborage <i>Refuges a rats</i>				DERATTING—DERATISATION					
							By fumigation— <i>par fumigation</i> Fumigant—Gaz utilisé.....	Rats found dead	Traps set or poisons put out	By catching, trapping or poisoning		
							Hours exposure— <i>Exposition (heures)</i> .....	Rats <i>trouvés</i> morts	<i>Pieges ou</i> poisons mls	<i>Rats pris ou</i> tués		
Compartments <i>Compartiments</i>	(b)	Rat Indications (c) <i>Traces de</i> <i>Rats</i>	Discovered <i>trouvés</i>	(d)	Treated <i>supprimés</i>	4	Cu. ft. space <i>Capaces</i> ( <i>met.</i> <i>cubes</i> )	Quantity used (e) <i>Quantités</i> <i>employées</i>	6	7	8	9
1		2	3				5					
<i>Holds</i>												
<i>Cales</i> ..... 1												
— 2												
— 3												
— 4												
— 5												
— 6												
— 7												
Shelter deck space <i>Entrepont</i>												
Bunker space <i>Soute a charbon</i>												

[Subsidiary]

## SECOND SCHEDULE—continued

DERATTING—DERATISATION									
Rat Harborage <i>Refuges a rats</i>				By fumigation— <i>par fumigation</i>			By catching, trapping or poisoning <i>per capture ou poison</i>		
				Fumigant— <i>Gaz utilisé</i> ..... Hours exposure— <i>Exposition (heures)</i> .....			Rats found dead <i>Rats trouvés morts</i>		Traps set or poisons put out <i>Pieges ou poisons mis</i>
Rat Indications (c) <i>Traces de Rats</i>				(d)		Quantity used (e) <i>Quantités employées</i>		Rats caught or killed <i>Rats pris ou tués</i>	
						Cu. ft. space <i>Capaces (met. cubes)</i>		Rats found dead <i>Rats trouvés morts</i>	
(b)				Discovered <i>trouvés</i>		Treated <i>supprimés</i>		Traps set or poisons put out <i>Pieges ou poisons mis</i>	
Compartments <i>Compartiments</i>				2		4		5	
1				3		6		7	
Engine-room and shaft alley <i>Chaufferies, tunnel de l'arbre</i>									
Forepeak and store-room <i>Peak avant et magasin</i>									
Afterpeak and store-room <i>Peak arrière at magasin</i>									
Lifeboats <i>Canots de sauvetage</i>									
Charts and wireless rooms <i>Chambre de cartes T.S.F.</i>									

## SECOND SCHEDULE—continued

[illegible]

[Subsidiary]

SECOND SCHEDULE—continued

Compartments Compartiments		Rat Indications (c) Traces de Rats	Rat Harborage Refuges a rats				DERATTING—DERATISATION				
			Discovered trouvés	(d)	Treated supprimés	Cu. ft. space Capaces (met. cubes)	Quantity used (e) Quantités employées	Rats found dead Rats trouvés morts	Traps set or poisons put out Pièges ou poisons mis	Rats caught or killed Rats pris ou tués	By catching, trapping or poisoning per capture ou poison
1		2	3		4	5	6	7	8	9	
Quarters (steerage) postes (émigrants)											
TOTAL .....											

- (a) Strike out the unnecessary indications—Rayer les mentions inutiles.
- (b) In case any of the compartment enumerated do not exist on the ship or inland navigation vessel, this fact must be mentioned—Lorsqu'un des compartiments énumérés n'existe pas sur le navire, on devra le mentionner expressément.
- (c) Old or recent evidence of excreta, runs or gnawing—traces anciennes ou récentes d'excréments, de passages ou de rongements.
- (d) None. Small. Moderate or Large—Néant. Peu. Passablement or Beaucoup.
- (e) State the weight of sulphur or of cyanide salts or quantity of HCN used—Indiquer les poids de soufre ou de cyanure ou la proportion d'acide cyanhydrique.

.....  
Seal, Name, Qualification and Signature of Inspector  
Cachet, Non, Qualité et Signature de l'inspecteur

## THIRD SCHEDULE

[Rules 2 and 46(2).]

Form of Certificate Issued by the Government of Kenya

*Figure de Certificat émis par le Government de Kenya*INTERNATIONAL CERTIFICATE OF VACCINATION OR REVACCINATION  
AGAINST CHOLERACERTIFICAT INTERNATIONAL DE VACCINATION OU DE REVACCINATION  
CONTRE LE CHOLERA

This is to certify that } ..... date of birth } ..... sex } .....  
*Je soussigné (e) } né (e) le } sexe } (certifie que)*

whose signature follows } .....  
*dont la signature suit }*

has on the date indicated been vaccinated or revaccinated against cholera.

*a été vacciné (e) au revacciné(e) contre le choléra à la date indiquée.*

Date	Signature and professional status of vaccinator <i>Signature et qualité professionnelle du vaccinateur</i>	Approved Stamp <i>Cachet d'authentification</i>	
1.		1	2
2.			
3.		3	4
4.			
5.		5	6
6.			
7.			
8.			

(See overleaf) (*Voyez sur l'autre côté*)

This validity of this certificate shall extend for a period of six months, beginning six days after the first injection of the vaccine or, in the event of a revaccination within such period of six months, on the date of that revaccination.

The approved stamp mentioned above must be in a form prescribed by the health administration of the territory in which the vaccination is performed.

Any amendment of this certificate, or erasure, or failure to complete any part of it, may render it invalid.

*La validité de ce certificat couvre une période de six mois commençant six jours après la première injection du vaccin, ou, dans le cas d'une revaccination au cours de cette période de six mois, le jour de cette revaccination.*

*Le cachet d'authentification doit être conforme au modèle présent par l'administration sanitaire du territoire où la vaccination est effectuée.*

*Toute correction ou rature sur le certificat ou remise d'une quelconque des mentions qu'il comporte peut affecter sa validité.*

[Subsidiary]

## FOURTH SCHEDULE

[Rules 2 and 46(3).]

Form of Certificate issued by the Government of Kenya

*Figure de Certificat émis par le Government de Kenya*INTERNATIONAL CERTIFICATE OF VACCINATION OR REVACCINATION  
AGAINST YELLOW FEVERCERTIFICAT INTERNATIONAL DEVACCINATION OU DE REVACCINATION  
CONTRE LE FIEVRE JAUNE

This is to certify that } ..... date of birth } ..... sex }  
*Je soussigné(e) (certifie que) } né (e) le } sexe } .....*

whose signature follows } .....  
*dont la signature suit } .....*

has on the date indicated been vaccinated or revaccinated against yellow fever.

*a été vacciné(e) ou revacciné(e) contre la fièvre jaune à la date indiquée.*

Date	Signature and professional status of vaccinator <i>Signature et qualité professionnelle du vaccinateur</i>	Origin and batch No. of vaccine <i>Origine du vaccin employé et numéro du lot</i>	Official stamp of vaccinating centre <i>Cachet officiel du centre de vaccination</i>	
1.			1	2
2.				
3.			3	4
4.				

(See overleaf) (*Voyez sur l'autre côté*)

This 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.

The validity of this certificate shall extend for a period of six years beginning ten days after the date of vaccination or, in the event of a revaccination within such period of six years, from the date of that revaccination.

Any amendment of this certificate, or erasure, or failure to complete any part of it, may render it invalid.

*Ce certificat n'est valable que si le vaccin employé a été approuvé par l'Organisation Mondiale de la Santé et si le centre de vaccination a été habilité par l'administration sanitaire du territoire dans lequel ce centre est situé.*

*La validité de ce certificat couvre une période de six ans commençant dix jours après la date de la vaccination ou, dans le cas d'une revaccination au cours de cette période de six ans, le jour de cette revaccination.*

*Toute correction ou rature sur le certificat ou l'omission d'une quelconque des mentions qu'il comporte peut affecter sa validité.*

## FIFTH SCHEDULE

[Rules 2 and 46(3).]

Form of Certificate issued by the Government of Kenya

*Figure de Certificat émis par le Gouvernement de Kenya*INTERNATIONAL CERTIFICATE OF VACCINATION OR REVACCINATION  
AGAINST SMALLPOXCERTIFICAT INTERNATIONAL DE VACCINATION OU DE REVACCINATION  
CONTRE LA VARIOLE

This is to certify that } date of birth } sex }  
*Je soussigné(e)* } *né(e) le* } *sexe* }  
*(certifie que)* }

whose signature follows }  
*dont la signature suit* }

has on the date indicated been vaccinated or revaccinated against smallpox.

*a été vacciné(e) ou revacciné(e) contre la variole à la date indiquée.*

Date	Show by "X" whether <i>Indiquer par "X" s'ils'agit de</i>	Signature and professional status of vaccinator  <i>Signature et qualité professionnelle du vaccinateur</i>	Approved stamp  <i>Cache d'authentification</i>
1. Primary vaccination (1st attempt) <i>Premovaccination (1er essai)</i>			1.
(a)	Performed <i>Effectuée</i>	(a)	(a)
(b)	Read as successful/ <i>Prise</i> or/ <i>ou</i> unsuccessful/ <i>pas de prise</i>	(b)	(b)
2. Primary vaccination (2nd attempt) <i>Premovaccination (2me essai)</i>			2.
(a)	Performed <i>Effectuée</i>	(a)	(a)
(b)	Read as successful/ <i>Prise</i> or/ <i>ou</i> unsuccessful/ <i>pas de prise</i>	(b)	(b)
3.	Revaccination		
4.	Revaccination		
5.	Revaccination		
6.	Revaccination		

(See overleaf) (*Voyez sur l'autre côté*)

The validity of this certificate shall extend for a period of three years beginning eight days after the date of a successful primary vaccination or, in the event of a revaccination, on the date of revaccination.

## [Subsidiary]

FIFTH SCHEDULE—*continued*

The approved stamp mentioned above must be in a form prescribed by the health administration of the territory in which the vaccination is performed.

Any amendment of this certificate, or erasure, or failure to complete any part of it, may render it invalid.

*La validité de ce certificat couvre une période de trois ans commençant huit jours après la date de la primovaccination effectuée avec succès (prise) ou, dans le cas d'une revaccination, le jour de cette revaccination.*

*Le cachet d'authentification doit être conforme au modèle prescrit par l'administration sanitaire du territoire où la vaccination est effectuée.*

*Toute correction ou rature sur le certificat ou omission de quelque des mentions qu'il comporte peut affecter sa validité.*

## SIXTH SCHEDULE

[Rules 44(3).]

## MARITIME DECLARATION OF HEALTH

*(To be rendered by the masters of ships arriving from ports outside the territory)*

Port of .....	Date .....
Name of ship .....	From ..... To .....
Nationality .....	Master's name .....
Net Registered Tonnage .....	
Deratting or } Certificate .....	Dated .....
Deratting Exemption } Issued at .....	
Number of } Cabin .....	Number of crew .....
passengers } Deck .....	
List of ports of call from commencement of voyage with dates of departure: .....	
.....	
.....	

*Health Questions**Answer  
Yes or No*

1. Has there been on board during the voyage\* any case or suspected case of plague, cholera, yellow fever, smallpox, typhus or relapsing fever? Give particulars in the Schedule .....
2. Has plague occurred or been suspected among the rats or mice on board during the voyage\*, or has there been an abnormal mortality among them? .....
3. Has any person died on board during the voyage\* otherwise than as a result of accident? Give particulars in Schedule .....
4. Is there on board or has there been during the voyage\* any case of disease which you suspect to be of an infectious nature? Give particulars in Schedule .....
5. Is there any sick person on board now? Give particulars in Schedule .....

*Note.*—In the absence of a surgeon, the Master should regard the following symptoms as ground for suspecting the existence of an infectious nature: fever accompanied by prostration or persisting for several days, or attended with glandular swelling; any acute skin rash or eruption with or without fever; severe diarrhoea with symptoms of collapse; jaundice accompanied by fever.



SIXTH SCHEDULE—*continued*

6. Are you aware of any other condition on board which may lead to infection or the spread of disease? .....

I hereby declare that the particulars and answers to the questions given in this Declaration of Health (including the Schedule ) are true and correct to the best of my knowledge and belief.

Signed .....

Master

Countersigned .....

Ship's Surgeon

Date .....

- \* If more than four weeks have elapsed since the voyage began, it will suffice to give particulars for the last four weeks.

\_\_\_\_\_

[Subsidiary]

SIXTH SCHEDULE—continued  
SCHEDULE TO THE DECLARATION

Particulars of every case of illness or death occurring on board

Name	Class or rating	Age	Sex	Nationality	Port of embarkation	Date of embarkation	Nature of illness	Date of its onset	Results of illness*	Disposal of case†

\* State whether recovered; still ill; died.

† State whether still on board; landed at (give name of port) buried at sea.

SEVENTH SCHEDULE

*Notice of Expected Arrival of a Vessel*

1. Name of the vessel.
2. Nationality.
3. Last port of call.
4. Date expected.
5. Approximate tonnage (specify whether net or gross).
6. Tonnage and description of cargo to be landed.
7. Approximate number of passengers to disembark.
8. Agents.
9. Remarks.

To the Port Health Officer,

Port of .....

\_\_\_\_\_



**TARIFF OF CHARGES PRESCRIBED**

[G.N. 1086/1949.]

**UNDER SECTION 73(J)**

The following charges, based on net tonnage, are payable by masters or owners or agents of vessels in respect of the inspection of a vessel and the issue of a deratization certificate or of a deratization exemption certificate by the Port Health Officer—

	<i>Sh.</i>	<i>cts.</i>
For ships of up to 300 tons .....	10	50
For ships of from 301 tons to 1,000 tons .....	21	00
For ships of from 1,001 tons to 3,000 tons .....	42	00
For ships of from 3,001 tons to 10,000 tons .....	63	00
For ships of over 10,000 tons .....	84	00

The above charges are in addition to any charges that may be made for any fumigation or deratization by the port authorities.

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**PUBLIC HEALTH (DRAINAGE AND LATRINE) RULES**

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[Subsidiary]**PUBLIC HEALTH (DRAINAGE AND LATRINE) RULES**

[Cap. 130 of (1948), Sub. Leg. L.N. 138/1959, L.N. 92/1960.]

**RULES UNDER SECTION 126****1. Citation**

These Rules may be cited as the Public Health (Drainage and Latrine) Rules.

**2. Application**

The Minister may, by notice in the *Gazette*, declare that on and after a specified date the whole of these Rules or specified provisions thereof shall apply to the whole or a specified part of the district of any local authority, hereinafter referred to as the local authority.

[L.N. 138/1959, r. 2.]

**3. Interpretation**

In these Rules, unless the context otherwise requires—

“**closed drain**” means any drain constructed of pipes or in the form of an enclosed conduit;

“**cement**” and “**Portland cement**” mean Portland cement which conforms in every respect with the current British Standard Specification for Ordinary Portland Cement and Rapid Hardening Cement;

“**drainage works**” means the construction, installation, laying, connecting, fixing, repair or removal of any pipe, drain, gully, cesspool, septic tank, sewage filter installation or other works for the discharge, reception or disposal of sewage in connexion with any premises, or of any waste-pipe, soil-pipe, trap, urinal, water-closet, slop-hopper, sink, bath, lavatory basin, ventilation pipe or antisiphonage pipe, or any drain fitting or water-flushing cistern, or any works connected with the discharge of liquid or soiled matter into any drain, sewer, cesspool, septic tank, sewage filter installation or other like receptacle for drainage, or otherwise connected with the drainage of any premises;

“**domestic building**” includes any building in human use, or intended for human use, whether for purposes of business or residence or amusement;

“**dwelling-house**” means a building or any part or portion of a building used, or constructed, adapted or designed to be used, for human habitation, as a separate tenancy, or by one family only, whether detached, semi-detached or separated by party walls or by floors from adjoining buildings, together with such outbuildings as are reasonably required to be used or enjoyed therewith;

“**earth-closet**” means a pail-closet furnished with means for sprinkling earth, ashes or any other material for the purpose of absorbing or covering the excremental matter;

“**housemaid’s sink**” means any fitting used or intended to be used in connexion with the cleansing of toilet-ware but neither used nor intended to be used for the reception of any excremental liquid or substance;

“**latrine**” includes privy, urinal, pail-closet, pit-closet, earth-closet, chemical-closet and water-closet;

## [Subsidiary]

**“latrine accommodation”** includes a receptacle for human excreta, together with the structure containing and including such receptacle and the fittings and apparatus connected therewith;

**“pail-closet”** means latrine accommodation including a movable receptacle for human excreta;

**“pit-closet”** means latrine accommodation situated over any hole or excavation in the ground;

**“plot”** means any area of land being the subject of a separate conveyance, assignment or lease;

**“sanitary inspector”** means a sanitary inspector appointed by Government or by a local authority to act as such within the district of a local authority;

**“sewage”** means soil-water, waste waters and manufacturing or trade effluent;

**“sewer”** means any duct belonging to the local authority and constructed, acquired or maintained for the purpose of conveying sewage;

**“sewer connexion”** means any pipe junction, saddle or other contrivance constructed in any sewer belonging to the local authority for the purpose of receiving the discharge from any drain, or the drainage from one or more buildings into such sewer;

**“slop-hopper”** means any fitting intended for the reception of slop water from bedrooms or other waste waters containing excremental liquid or substance;

**“soil-pipe”** means any pipe fixed on or in any building for the purpose of conveying the discharges from any water-closet, slop-hopper, urinal or urinette, or any waste waters containing excremental liquid or substance;

**“soil-water”** means discharges from water-closets, slop-hoppers, urinals and urinettes, and all waters containing any excremental liquid or substance;

**“soil-water fittings”** means water-closets, slop-hoppers, urinals and urinettes, and all water fittings adapted or designed for the reception of matters of an excremental character which are or are to be connected to any system of drainage;

**“water-closet”** means latrine accommodation adapted or designed for the reception of human excreta, of both a solid and liquid character, used or 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 an approved water supply;

**“waste-pipe”** means any pipe for conveying waste water of a non-excremental character from baths, lavatory basins, sinks, housemaids’ sinks or butlers’ sinks;

**“waste water”** means discharge of a non-excremental character from baths, lavatory basins, sinks, housemaids’ sinks or butlers’ sinks;

**“waste-water fittings”** means baths, lavatory basins, sinks, housemaids’ sinks and butlers’ sinks.

*Drainage and Sewerage Provisions, etc.*

#### 4. Local authority to enforce drainage of undrained buildings

(1) Where any building is without a drain sufficient for the effectual drainage of the same, the local authority shall by written notice require the owner of such building within a reasonable time therein specified to make a drain or drains emptying into any sewer belonging to the local authority which is at a suitable level, and which is not more than two hundred feet distant from any part of such building, but, if no such means of drainage are within that distance, then emptying into such covered tank or other like receptacle for

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**[Subsidiary]**

drainage not being under any building or in such other manner as the local authority may direct; and the local authority may require any such drain or drains to be of such materials and size, and to be laid at such level and in such manner and with such falls, as may appear to the local authority to be necessary:

Provided that where, in the opinion of the local authority, greater expense would be incurred in causing the drains of two or more buildings to empty into an existing sewer pursuant to this rule than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such new sewer, or cause such new sewer to be constructed, and require the owners of such buildings to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer, amongst the owners of the several buildings, and recover as a civil debt recoverable summarily the sums apportioned from such owners.

(2) Any person who fails to comply with the requirements of any notice served under this rule within the time specified shall be guilty of an offence, and the local authority may, after the expiration of the time specified in the notice, do the work required, and may recover as a civil debt recoverable summarily the expenses incurred by it in so doing from the owner.

**5. Two or more buildings may be drained by combined operation**

If it appears to the local authority that two or more buildings which are to be connected with any sewer belonging to the local authority either voluntarily or compulsorily may be drained more economically or advantageously in combination than separately, and a sewer of sufficient size belonging to the local authority already exists or is about to be constructed at a suitable level and within two hundred feet of any part of such buildings, the local authority may when the drains of such buildings are first laid order that such buildings be drained by a combined system of drainage to be constructed either by the local authority if it so decides or by the owners in such manner as the local authority directs, and the costs and expenses of the construction of such combined system of drainage and of the repair and maintenance thereof shall be apportioned between the owners of such buildings in such manner as the local authority determines, and if paid by the local authority may be recovered by it from such owners.

**6. New buildings must be drained**

(1) No persons shall erect a new building or re-erect any building, any two external walls of which have been pulled down or burned down or which have fallen down to or below the level of the ground floor, or occupy or, being the owner thereof, permit to be occupied any building so newly erected or re-erected, unless a drain or drains have been constructed of such materials and size, and laid at such level, in such manner and with such fall, as may appear necessary to the local authority for the effectual drainage of such building; and the drain or drains so to be constructed shall empty into any sewer belonging to the local authority which is at a suitable level and which is within two hundred feet of any part of the site of the building to be erected or re-erected; and if no such means of drainage are within that distance then shall empty into such covered tank or other place, not being under any building, as the local authority may direct.

(2) Any person who causes any building to be erected or re-erected or any drain to be constructed in contravention of this Rule shall be guilty of an offence.

(3) Notwithstanding anything contained in these Rules, no person shall cause or permit any subsoil, surface, storm-water or rain-water, or any drain for the conveyance of such waters, to discharge into or communicate with any drain or sewer for the conveyance of sewage or waste water, or into any cesspool, septic tank or other receptacle for drainage except with the written permission or by the direction of the local authority, and then only on the condition that such subsoil, surface, storm-water or rain-water drain shall discharge directly into the open air over a trapped gully and above the level of the water therein, and no person shall cause or permit any sewage or waste-water drain to

discharge into or communicate with any drain or sewer for the conveyance of subsoil, surface, storm-water or rain-water except with the written permission or by the direction of the local authority.

**7. Local authority may require sinks, drains or other necessary appliances to be provided to buildings**

(1) If it appears to the local authority that any building built before or after the commencement of these Rules is not provided with a proper sink or drain or other necessary appliances for carrying off waste water from such building, the local authority may give notice in writing to the owner of such building requiring him, in the manner and within the time specified in such notice, to provide such sink, drain or other appliances.

(2) If the owner makes default in complying with such requirement to the satisfaction of the local authority within the time specified in such notice, he shall be guilty of an offence, and in case of default the local authority may, if it thinks fit, itself provide such sink, drain or other appliances, and the expenses incurred by it in so doing shall be repaid to it by such owner, and may be recovered as a civil debt recoverable summarily.

**8. Conversion of latrines into water-closets**

(1) If any privy, earth-closet, pail-closet, pit-closet or other closet not being a water-closet, or the building served by such privy, earth-closet, pail-closet, pit-closet or other closet not being a water-closet, is within two hundred feet of any sewer belonging to the local authority which is at a suitable level, and if there is a sufficient water supply, the local authority may, by written notice addressed to the owner of the same, require the said owner within a reasonable time, to be specified in such notice, to convert the privy, earth-closet, pail-closet, pit-closet or other closet not being a water-closet, into a water-closet and to connect the same to the said sewer, all as the case may require, in a manner and by the use of materials to be approved of by the local authority; and the local authority may, if it thinks fit, by written notice addressed to the owner, order the removal of such privy, earth-closet, pail-closet, pit-closet or other closet not being a water-closet, within a period specified in such notice.

(2) Any such owner who fails to comply with the requirements of any notice served under this Rule, and that within the time specified, shall be guilty of an offence, and the local authority may, after the expiration of the time specified in the notice, do the work required, and may recover as a civil debt recoverable summarily the expenses incurred by it in so doing from the owner.

**9. Where sewer available, local authority may require it to be used**

(1) Where the drainage of a building discharges into any cesspool or septic tank or into any other receptacle or place whatsoever not being a sewer belonging to the local authority, and such building is within two hundred feet of a sewer belonging to the local authority which is at a suitable level, the local authority may, by written notice addressed to the owner of the building, require the said owner, within a reasonable time to be specified in the notice, to cease to discharge or permit to be discharged into the said cesspool, septic tank, other receptacle or place any sewage and other waste water, and to cause all such sewage and other waste water to be discharged into the said sewer in a manner and by the use of materials to be approved by the local authority; and the local authority may, by written notice addressed to the owner, order such cesspool, septic tank, receptacle or place to be removed, filled in or otherwise suitably dealt with to its satisfaction, within a period specified in such notice.

(2) Any such owner who fails to comply with the requirements of any notice served under this rule, and that within the time specified, shall be guilty of an offence.

**[Subsidiary]****10. Maintenance of drains and drainage works**

(1) The owner of any premises shall, at his own expense, maintain all drains and all drainage works constructed upon or in connexion with such premises in an efficient condition and in a proper state of repair to the satisfaction of the local authority.

(2) In all cases where two or more buildings owned by more than one owner are drained by a combined system of drainage, such owners shall jointly and severally be responsible for the duty of, and for any costs and expenses incidental to, maintaining and repairing such combined system of drainage.

**11. Examination of drains, latrines, cesspools and septic tanks**

(1) If it appears to the local authority that any drain, latrine, cesspool or septic tank constructed upon or in connexion with any premises is in a bad state of repair, or is inefficient or is a nuisance or injurious or dangerous to health, the local authority may, after having given twenty-four hours' written notice to the occupier of such premises, or in case of emergency without notice, cause such premises to be entered, the ground to be opened and such drain, latrine, cesspool or septic tank to be examined.

(2) If the drain, latrine, cesspool or septic tank on examination is found to be in a proper, sound and efficient condition, the local authority shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the local authority.

(3) If the drain, latrine, cesspool, or septic tank on examination appears to be in a bad, defective or inefficient condition, or to require alteration or amendment, the local authority shall forthwith give notice in writing to the owner of the premises requiring him forthwith or within a reasonable time therein specified to carry out such works as may be necessary; and if the owner of such premises fails to comply with the requirements of any notice served under this Rule within the time specified he shall be guilty of an offence, and the local authority may, if it thinks fit, after the expiration of the time specified in the notice, carry out the work required, and may recover as a civil debt recoverable summarily the expenses incurred by it in so doing from the said owner.

**12. Local authority may test drains**

(1) The local authority may, at any reasonable time, cause to be applied to any covered drain or drains, soil-pipe or ventilating pipe, constructed upon or in connexion with any premises, the smoke, air, chemical, coloured water or other test (not including a test by water under pressure).

(2) If on the application of the test such drain or drains, soil-pipe or ventilating pipe, is or are found to be defective, the local authority shall, by written notice served upon the owner of such premises specifying generally the defect, require the said owner to do all works necessary for remedying it within a reasonable time to be specified in the notice, and if such owner fails to comply with the requirements of any notice served under this Rule within the time specified he shall be guilty of an offence, and the local authority may, if it thinks fit, after the expiration of the time specified in the notice, carry out the works required, and may recover as a civil debt recoverable summarily the expenses incurred by it in so doing from the owner.

(3) The owner and occupier of any premises shall give all reasonable facilities for the application of any test as provided for in this rule, and any owner or occupier who fails to do so shall be guilty of an offence.

**13. Stoppages in drains**

(1) Upon receipt of information as to a stoppage in any closed drain or drainage work constructed upon or in connexion with any premises, the local authority may cause a written notice of the stoppage as aforesaid to be served upon the owner of such premises requiring him, forthwith, to cause the stoppage to be removed.



[Subsidiary]

(2) If the said owner fails to comply forthwith with the requirements of any such notice as aforesaid, or if such owner cannot immediately be found, the local authority may itself cause the stoppage to be removed, and may recover as a civil debt recoverable summarily the expenses incurred in so doing.

(3) Where two or more buildings owned by more than one owner are drained by a combined system of drainage, the costs and expenses incidental to the removal of any such stoppage as aforesaid shall be apportioned between the owners of such buildings in the manner provided in rule 5:

Provided that where the stoppage takes place in a section of any drain used by one occupier or owner only the costs and expenses incurred in its removal shall be borne by the owner of the building served by such section.

#### **14. Penalty for unauthorized building over sewers or under streets**

Any person who, without the written consent of the local authority—

- (a) causes any building newly to be erected over any sewer belonging to the local authority; or
- (b) causes any vault, arch or cellar newly to be constructed under the carriage-way or foot-way of any street vested in the local authority,

shall be guilty of an offence, and the local authority may cause any building, vault, arch or cellar constructed in contravention of the provisions of this rule to be altered, pulled down or otherwise dealt with as it may think fit, and may recover as a civil debt recoverable summarily any expenses incurred by it in so doing from the offender.

#### **15. Injurious matters not to be passed into sewers**

Any person who throws or suffers to be thrown, or passes into any sewer belonging to the local authority or into any drain communicating therewith, any matter or substance by which the free flow of the sewage or other liquid waste may be interfered with, or by which any such sewer or drain may be injured, shall be guilty of an offence.

#### **16. Power to prohibit the passing of solid matter, steam, chemical refuse, etc., into sewers**

(1) Where, in the opinion of the local authority, the introduction into any sewer belonging to the local authority of any solid matter, suspended matter, mud, chemical or manufacturing or trade or other refuse (inclusive of vapours or gaseous matters), or any steam, condensing water, heated waters or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees of Fahrenheit), whether alone or in combination with other matter or liquid, and whether directly or through any drain or channel communicating with such sewer, either does or may cause a nuisance, or involve danger to the health of persons entering the sewers, or others, or is or may be harmful to the structure or materials of the sewers or other works of the local authority, or to the ground used by the local authority, the local authority may by written notice served upon the owner or occupier of any premises, absolutely prohibit from a date specified in such notice, not being earlier than fourteen days from the date of service of such notice, any such matter or matters as aforesaid being caused or permitted to fall, flow or enter, or to be carried or washed, into any sewer belonging to the local authority either directly or indirectly:

Provided that the local authority shall not be required to serve a notice upon the same person more than once.

(2) Any person who fails to comply with the requirements of any such notice after service thereof upon him shall be guilty of an offence.

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**[Subsidiary]****17. Brewery or manufacturing sewage**

The local authority may, in its absolute discretion, refuse to admit into any sewer belonging to the local authority any trade, brewery or manufacturing liquid waste, sewage or effluent unless the same has been freed of the grosser objectionable matters, and then only if the sewers in the vicinity belonging to the local authority are in the opinion of such authority of sufficient capacity to convey the trade, brewery or manufacturing liquid waste, sewage or effluent in addition to the ordinary domestic sewage flow of the areas served by such sewers.

**18. Power to make inspection chamber in manufacturing premises**

The local authority shall, at its discretion, have power to construct, on any pipe or channel conveying trade or manufacturing liquid waste, sewage or effluent to any sewer belonging to the local authority, an inspection chamber, manhole, lamphole or other similar opening, of such dimensions as it may think fit, on any premises from which the liquid waste, sewage or effluent is derived, at the expense of the local authority without payment of any compensation to the owner or occupier of such premises, and any duly authorized officer of the local authority shall at all times have the right of access to such chamber or other opening and may examine the character, gauge the flow and take samples of the discharge from such premises.

**19. Rain-water pipes not to communicate directly with a closed drain**

No person shall construct or fix any rain-water pipe or trunk which may be provided in connexion with any building for the purpose of conveying therefrom any water which may fall on any roof or flat thereof so as to discharge directly into a closed drain, but shall cause such rain-water pipe or trunk to be constructed or fixed so as to discharge directly into the open air, into an open channel or over a properly trapped gulley, or into such gully above the level of the water in the trap thereof:

Provided that this Rule shall not apply in any case where rainwater is intended to be conveyed through a closed drain to any receptacle properly constructed and adapted for the storage of such water and approved by the local authority.

**20. Notice to be given of intention to make a sewer connexion**

(1) The owner of any building who intends to cause any drain constructed or to be constructed in connexion with such building to empty into a sewer belonging to the local authority shall give at least three days' notice in writing in the prescribed form to the local authority of his intention to make a sewer connexion.

(2) So soon as the local authority is satisfied that the owner of the said building is entitled to cause such drain to empty into the said sewer, and that the making of such sewer connexion would not contravene any of the provisions of these Rules, the local authority shall issue a written permit to such owner authorising the making of such sewer connexion.

**21. Sewer connexions not to be made without permission**

(1) No person shall make any sewer connexion unless and until a written permit authorizing the making of such sewer connexion has been issued by the local authority, and no person shall make any sewer connexion otherwise than under the direction of and in a manner to be approved of by the local authority.

(2) Any person making or attempting to make any sewer connexion in contravention of the provisions of this Rule shall be guilty of an offence, and the local authority may close, demolish or remove any sewer connexion made in contravention of the provisions of this Rule, and may recover as a civil debt recoverable summarily from the person so offending any expenses incurred by it in so doing.



**22. Drainage works in streets and other public places**

(1) Every person who carries out any drainage works in any street, sidewalk, sanitary lane or other public place vested in the local authority shall, in the carrying out of such works, comply with the following requirements—

- (a) he shall not disturb the surface of any street, sidewalk, sanitary lane or other public place vested in the local authority, without the previous consent in writing of the local authority, nor otherwise than in accordance with such conditions as it may determine;
- (b) in any case where a sewer connexion is to be made, he shall cause such sewer connexion to be made at such point in the sewer as may be indicated by the local authority.

(2) Nothing contained in this rule shall be held to impose any liability whatsoever on the local authority for any accident or damage to persons or property which may occur in the carrying out of any such drainage works as aforesaid.

**23. Local authority may arrange with owners to carry out private drainage works**

It shall be lawful for the local authority to agree with any owner or occupier of any premises that any drainage works which such owner or occupier desires or is required by the local authority to construct shall be constructed by the local authority, and the cost of constructing such drainage works shall be repaid by such owner or occupier to the local authority, and in default of payment the local authority may recover the cost as a civil debt recoverable summarily.

**24. Owner outside district may arrange with local authority to connect to sewer**

The owner of any premises without the district of the local authority may, with the consent of the local authority and subject to the provisions of these Rules, cause any drain constructed upon or in connexion with such premises to empty into any sewer belonging to the local authority upon such terms and conditions as may be agreed upon between such owner or occupier and the local authority:

Provided that no person shall cause any such drain to empty into any such sewer until such terms and conditions have been agreed upon.

**25. Charges to cover supervision, etc.**

In all cases where, in accordance with these Rules, any work is carried out by the local authority in respect of which the said authority is entitled to recover the cost from any person under these Rules, there may be included in the cost so claimed and recoverable such sum as the local authority shall determine to cover the cost of surveys, plans, specifications, quantities, supervision and the use of tools and plant, and there shall also be included in such cost any expenditure or labour involved in disturbing, making good and remaking any made road, street or footway or ground affected.

**26. Tins, bottles, etc., not to be allowed to enter drains**

No occupier of any premises shall throw or introduce or allow others on the said premises to throw or introduce into any cess-pool, drain, waste-pipe, soil-pipe or soil-water fitting, constructed in connexion with such premises, any tins, bottles, refuse or other matter liable to choke the same.

**27. Traps, gullies and ventilation pipes to be kept free from obstruction**

(1) The owner or occupier of any premises shall maintain all openings, whether for ventilation or otherwise, to any drain, and also all traps, gullies and other drainage fittings, on his premises in good order and proper repair and in a reasonably clean condition and free from obstruction.

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(2) Any owner or occupier who fails to comply with the provisions of this Rule shall be guilty of an offence.

*Construction of Drains***28. Excavation for and laying of drains**

Every person who constructs any drain in connexion with a building shall lay such drain and carry out any excavation necessary for the construction of such drain in the following manner—

- (a) he shall cause the ground to be excavated to the required depth with all possible expedition and to be done in a workmanlike manner;
- (b) he shall cause to be erected and maintained during the progress of the work all such fences, hoardings, struttings, shorings and lights (kept lighted throughout the night) as may be necessary to or in consequence of any of the works for the protection of the public or workmen or of any buildings or property whatsoever near to or liable to be affected by the work;
- (c) he shall cause any excavation to be commenced at the outfall end of each drain and continued in straight sections, the bottom of the trench to be accurately cut to the proper gradient for receiving the pipes, and the trench to be made of sufficient width to afford room for the proper laying, bedding and jointing of the pipes;
- (d) he shall cause the laying of the pipes to be carefully performed and each pipe to be laid to a true gradient and in such manner that the body of the pipe shall have a firm bearing throughout its whole length and not upon the socket only;
- (e) he shall cause any excavation to be filled in with earth well rammed in six-inch layers, fine material free from stones being packed round the pipes, and the surface at ground level being made good to the satisfaction of the local authority.

**29. Requirements for construction of closed drains**

Every person who constructs any closed drain in connexion with a building, other than a drain constructed for the drainage of the subsoil of the site of such building or a drain constructed for the drainage of storm-water only or water from any water supply fitting only, shall, in the construction of such drain, comply with the following requirements—

- (a) he shall cause such drain to be constructed of good sound cylindrical pipes made of glazed stoneware or of heavy cast iron, or of other equally suitable material which has been approved of by the local authority;
- (b) he shall cause such drain to be of adequate size, to have an internal diameter of not less than four inches and to be laid with a proper fall, and with water-tight, socketed or other approved suitable joints;
- (c) he shall, if such drain is constructed of stoneware pipes, if so required by the local authority, cause such drain to be laid on an adequate and efficient bed of good cement concrete at least three inches in thickness, or, if such drain is constructed of approved metal pipes, he shall, if so required by the local authority, cause such drain to be supported upon a sufficient number of suitable piers constructed of good cement concrete:

Provided that where any such drain as aforesaid is to be laid on made or bad ground, and where in the opinion of the local authority such a precaution is necessary, he shall cause such drain to be laid on a bed of good cement concrete not less than six inches in thickness and projecting on each side of the drain to an extent at least equal to the external diameter of such drain, and shall cause good cement concrete to be filled in

so that it extends to the full width of the cement concrete bed already prescribed and so that such drain is embedded to the extent of not less than half its diameter.

### 30. Requirements for construction of drains

(1) *Gradient of drains.*—Every person who constructs any such drain as is described in rule 29 shall cause such drain to be laid with a proper and sufficient gradient:

Provided that—

- (i) wherever practicable, he shall cause such drain to be laid with the following minimum gradients—
  - (a) drains of 4 inches internal diameter—1 in 40;
  - (b) drains of 5 inches internal diameter—1 in 50;
  - (c) drains of 6 inches internal diameter—1 in 60;
- (ii) wherever the foregoing minimum gradient of a drain is found to be impracticable, the local authority may, if it considers such a precaution necessary, require that special flushing tanks and inspection chambers shall be provided to such drain.

(2) *Jointing of cast-iron drain pipes.*—If he constructs any such drain of cast-iron pipes jointed with socket joints, such joints shall be not less than 2½ inches in depth, and shall be made with tarred spun yarn and molten lead or lead wool properly caulked, and the annular space for the lead, in the case of four-inch pipes, shall not be less than ¼ inch in width and, in the case of five-inch and six-inch pipes, shall not be less than ⅜ inch in width; and if such drain is jointed with flange joints he shall cause such joints to be securely bolted together and some suitable insertion for jointing placed between the flanges.

(3) *Jointing of stoneware drain pipes.*—If he constructs any such drain or stoneware pipes, or pipes of material other than metal, such pipes shall be jointed with socket joints properly put together with cement mortar (1 of sand to 2 of cement), a few turns of spun yarn dipped in cement grout being first put round the end of the spigot, to ensure it being concentric with the socket and tightly caulked in, or an approved composition joint may be used.

(4) *Invert of drain to be kept clear of obstruction.*—He shall cause proper and efficient means to be employed for keeping the invert of every such drain clear of cement or other matter in the laying and jointing of pipes, and shall also cause every such drain to be so laid that a badger, of one-quarter of an inch less diameter than the internal diameter of the drain, passes freely through the said drain, and so that a fibrous mop of half the internal diameter of the drain passes freely through such drain.

(5) *Drains to be so constructed as to be watertight.*—He shall cause every such drain to be so constructed as to be watertight and to be capable of resisting a pressure of at least two feet head of water; and for the purpose of applying such pressure he shall cause all openings to be plugged, and he shall also ascertain the locality of any leaks or defects which may be found to exist on the application of such pressure by the medical officer of health or a sanitary inspector or other duly authorized officer, and shall cause any such leaks or defects to be effectively repaired and made good so as to render such drain watertight and capable of resisting such pressure as aforesaid.

(6) *Sizes and weights of cast-iron drain pipes.*—If he constructs any such drain of cast-iron, only cast-iron pipes of good quality free from imperfections and well coated internally and externally with Dr. Angus Smith's or other approved rust preventative

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composition shall be used, and the weight of such cast-iron pipes in proportion to the diameter shall not be less in any case than the following—

Internal diameter	Thickness of metal	Weight per 9 ft. length (including socket and spigot)
<i>in.</i>	<i>in.</i>	<i>lb.</i>
4	$\frac{3}{8}$	160
5	$\frac{3}{8}$	190
6	$\frac{3}{8}$	230

(7) *Size and thickness of stoneware drain pipes.*—If he constructs any such drain of stoneware, only the best glazed socketed stoneware pipes which are truly cylindrical in section straight in shape and free from cracks or other imperfections shall be used, and the thickness of the pipes, the depth of the sockets and the annular space for the cement in proportion to the diameter shall not be less in any case than the following—

Internal diameter	Thickness of pipe	Depth of socket	Annular space for the cement
<i>in.</i>	<i>in.</i>	<i>in.</i>	<i>in.</i>
4	$\frac{1}{2}$	$1\frac{3}{4}$	$\frac{5}{16}$
5	$\frac{9}{16}$	2	$\frac{5}{16}$
6	$\frac{5}{8}$	2	$\frac{5}{16}$
9	$\frac{3}{4}$	2	$\frac{7}{16}$

(8) *Joints of drains not to be built into walls or foundations.*—He shall not construct any such drain so that any joint of such drain is built into any wall or foundation, except in any case where any other mode of construction is impracticable.

(9) (a) *Drains in or under buildings.*—He shall not construct any such drain inside or so as to pass under a building, except in any case where any other mode construction is impracticable.

(b) If he constructs any such drain so as to pass under a building he shall cause such drain to be so laid in the ground that there is a distance equal at the least to the full diameter thereof between the top of such drain at its highest point and the surface of the ground under such building, and he shall cause such drain to be completely embedded in and covered with good and solid cement concrete at least six inches thick all round:

Provided that, in any case where such drain is constructed of iron or other approved metal pipes, he may cause such drain to be carried above ground and to be supported upon a sufficient number of suitable piers constructed of iron or good cement concrete.

(c) He shall also cause any such drain to be laid in a direct line for the whole distance beneath such building, and adequate means of access to be provided by means of approved inspection chambers situated outside such building or, in the case of iron or other approved metal pipes carried above ground, by means of approved inspection eyes situated outside such building to be provided at each end of such portion thereof as is beneath such building, and efficient ventilation of such drain by means of approved ventilating shafts to be provided.

(10) *Composition of concrete.*—He shall cause all concrete used in connexion with the laying and constructing of any such drain to be composed of clean gravel, hard brick broken small or other suitable ballast, well mixed with good clean sand, and free from earth, and Portland cement in the proportion of three parts of sand, one part of cement and six parts of other material.

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(11) *Protection of drains under walls.*—In every case where any such drain is laid beneath a wall, he shall cause such drain to be protected at the part beneath the wall by means of an arch, lintel or suitable metal support of sufficient size and strength to prevent any disturbance or other injury to such drain, and constructed at least two inches clear above the drain.

**31. Inlets to drains to be trapped**

(1) Every person who constructs any such drain as is described in rule 29 shall cause every inlet to such drain, not being an inlet provided in pursuance of the rule in that behalf as an opening for the ventilation of such drain, to be properly trapped by an efficient trap so constructed as to be capable of maintaining a sufficient water seal.

(2) He shall not construct or fix in or in connexion with any such drain any trap of the kind known as a bell-trap, a dip-trap, a D-trap or a U-trap or a running trap or any such trap as becomes unsealed on the removal of the cover, or any trap of a type which has not been approved by the local authority.

**32. No right-angled junctions to be made**

(1) No person who constructs any drain in connexion with a building shall construct the several drains of such building in such a manner as to form in such drains any right-angled junction either vertical or horizontal.

(2) He shall cause every branch drain or tributary drain to join another drain obliquely in the direction of the flow of such drain, and as near as practicable to the invert thereof.

(3) He shall cause all bends and turnings to be truly curved, and when directly reducing or enlarging the size of any drain he shall cause such alteration to be properly tapered and to be of good shape.

(4) He shall also, so far as may be practicable, cause every such drain to be laid in a direct line or in a series of direct lines.

**33. Drains to be trapped from cesspools and septic tanks, etc.**

(1) Every person who constructs any drain in connexion with a building shall, where such drain communicates with a septic tank, cesspool or other like receptacle for drainage, not being a sewer belonging to the local authority, if so required by the local authority, cause to be provided and fixed in such drain a suitable and efficient intercepting trap at a point as distant as may be practicable from such building and as near as may be practicable to the point at which such drain may be connected with such septic tank, cesspool or other like receptacle for drainage.

(2) He shall cause such intercepting trap to be of an approved pattern of good glazed stoneware or of iron coated with approved material, to have the trap bend contracted in size so as to be half an inch less than that of the pipe which discharges into it, to be provided with a drop of not less than two inches from the invert of the drain to the surface of the water seal, to have a water seal of not less than two inches in depth and to be fixed truly level in a bed of good cement concrete.

**34. Drains not to be trapped from sewers**

No person shall provide or fix an intercepting trap in any drain which communicates directly with a sewer belonging to the local authority.

**35. Provision of inspection chambers on drains**

Every person who constructs any closed drain in connexion with a building shall cause adequate and efficient inspection chambers to be provided in the following positions and manner—

- (a) he shall, unless specially exempted by the local authority, cause an inspection chamber to be provided at every point in such drain where two or more drains converge;

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- (b) he shall cause an inspection chamber to be provided at every point in any such drain where there occurs any angle, bend or deviation from a direct alignment;
- (c) he shall cause access to be provided by means of inspection chambers to every such drain in such manner that no part of any such drain is more than thirty feet distant in the length of such drain from an inspection chamber;
- (d) where any such drain communicates directly with a sewer belonging to the local authority, he shall cause an inspection chamber to be provided to such drain on the plot on which such building stands but, wherever practicable, within four feet of the boundary of the said plot over which the drain is or is to be constructed:

Provided that he may with the consent in writing of the local authority and subject to such conditions as it may prescribe, but not otherwise, cause such inspection chamber as aforesaid to be constructed on a street or sidewalk;

- (e) he shall cause an inspection chamber to be provided at any point where an intercepting trap is fixed in such drain;
- (f) he shall cause every inspection chamber to be of such internal dimensions as the local authority requires:

Provided that no inspection chamber shall be less than two feet in length where the depth of the half channel invert from the surface of the ground adjoining such chamber is greater than eighteen inches;

- (g) he shall cause every inspection chamber to be constructed of not less than nine inches brickwork or stonework built in cement, or of good cement concrete not less than four inches in thickness, to be so constructed as to be watertight up to the level of the adjoining ground surface, and to be rendered with cement plaster at least one half inch in thickness and furnished with a smooth surface;
- (h) he shall cause every inspection chamber to be fitted with a strong movable air-tight cast-iron manhole cover of adequate size and approved design and construction, fixed not lower than the surface of the adjoining ground;
- (i) he shall cause the sides of the channels in every inspection chamber to be brought up vertically to a height not less than the diameter of the drains, and shall cause benching, constructed of good cement concrete, to be provided, such benching to be sloped off from the tops of the channels at an angle of thirty degrees from the horizontal and finished with a smooth cement surface.

**36. Ventilation of drains**

Every person who constructs any closed drain in connexion with a building shall, for the purpose of securing efficient ventilation of such drain, comply with the following requirements—

- (a) he shall provide at least one untrapped opening to such drain, which opening shall be situated as far distant as may be practicable from the point at which such drain communicates with a sewer, septic tank, cesspool or other like receptacle for drainage with which such drain may lawfully communicate, and shall also provide an untrapped opening at the upper extremity of every branch drain which exceeds twenty feet in length and which receives any soil-water or waste water; such untrapped opening shall be obtained by carrying up a pipe or shaft, vertically, to such a height and in such a position as to afford by means of the open end of such pipe or shaft a safe outlet for foul air and so as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no



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case to a less height than three feet above the eaves of any adjoining roof, or to a less height than six feet above the top of any window, door or other opening which is within a distance of twenty feet horizontally from such pipe or shaft, or to a less height than ten feet above the adjoining ground level, and such pipe or shaft, if unsupported for a length of more than five feet, shall be properly stayed:

Provided that the soil-pipe of any water-closet, in every case where the situation, sectional area, height and mode of construction of such soil-pipe are in accordance with the requirements applicable to the pipe or shaft to be carried up from such drain, may be deemed to provide the necessary opening for ventilation which would otherwise be obtained by means of such last-mentioned pipe or shaft;

- (b) he shall cause any opening provided in accordance with the arrangements hereinbefore specified to be furnished with a suitable grating or other cover of approved pattern and material for the purpose of preventing any obstruction in or injury to any pipe or drain by the introduction of any substance through any such opening; and he shall, in every case, cause such grating or cover to be so constructed and fitted as to secure the free passage of air through such grating or cover by means of a sufficient number of apertures, of which the aggregate extent shall be not less than the sectional area of the pipe or drain to which such grating or cover may be fitted;
- (c) he shall not, except where unavoidable, cause any bend or angle to be made in any pipe or shaft used in connexion with any of the arrangements hereinbefore specified;
- (d) he shall cause every pipe or shaft which may be used in connexion with any of the arrangements hereinbefore specified to have an internal diameter of not less than three-and-a-half inches;
- (e) he shall cause every pipe or shaft used in connexion with any of the arrangements hereinbefore specified to be constructed in the same manner and of the same material and weight as if such pipe or shaft were a soil pipe;
- (f) in every case where any such drain communicates with a septic tank, cesspool or other like receptacle for drainage, not being a sewer belonging to the local authority, he shall provide a second opening, being not less than twelve inches and not more than three feet above the level of the surface of the ground adjoining such second opening, which shall communicate with such drain by means of a suitable pipe or shaft situated, as far distant as may be practicable from the first opening which has to be provided, in pursuance of the rule in that behalf; and he shall also cause the point at which such second opening communicates with the drain in every case to be situated on that side of any intercepting trap which is the nearer to the building;
- (g) he shall cause every pipe or shaft which is constructed so as to provide any such second opening as aforesaid to be constructed in the same manner and of the same material and weight as if such pipe or shaft were a soil-pipe, and to have an internal diameter of not less than three and a half inches, and to be provided with an approved inlet valve at the point at which it opens upon the external air.

**37. No inlets to drains within buildings**

No person shall construct any closed drain in connexion with a building in such a manner that there is within such building any inlet to such drain, except such inlet as may be necessary from the apparatus of any water-closet or soil-water fitting.

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*Soil-Pipes***38. Requirements for soil-pipes**

Every person who provides a soil-pipe in connexion with a building shall, in the providing and fixing of such soil-pipe, comply with the following requirements—

*Position of soil-pipes*

- (a) he shall not, except with the written permission of the local authority and then only on such conditions as it may prescribe, cause or permit any such soil-pipe to be fixed inside any building;

*Material of soil-pipes*

- (b) he shall construct such soil-pipe either in drawn lead or heavy cast-iron or other equally suitable material which has been approved of by the local authority;

*Size, weight and thickness of soil-pipes*

- (c) he shall construct such soil-pipe so that its weight, if the pipe is of lead, and that its thickness and weight, if the pipe is of iron, in proportion to its length and internal diameter, is as follows—

Diameter	LEAD		CAST IRON	
	Weight per ten feet length, not less than—	Thickness of metal, not less than—	Weight per 6 feet length (including socket and beaded spigot or flanges, the socket not to be less than ¼ inch thick) not less than—	
<i>in.</i>	<i>lb.</i>	<i>in.</i>	<i>lb.</i>	
3 ½	65	$\frac{3}{16}$	48	
4	74	$\frac{3}{16}$	54	

*Jointing of soil-pipes*

- (d) if he constructs such soil-pipe in drawn lead he shall cause such soil-pipe to be constructed with proper wiped plumbers' joints;

*Mode of jointing*

- (e) if he constructs such soil-pipe of cast-iron with socket joints, he shall cause such joints to be not less than 2½ inches in depth and to be made with tarred spun yarn and molten lead or lead wool properly caulked, and he shall also cause the annular space for the lead, in the case of 3½-inch and 4-inch pipes, to be not less than ¼ inch in width; and if he constructs such soil-pipe with flanged joints he shall cause such joints to be securely bolted together and some suitable insertion for jointing placed between the flanges;

*Soil-pipes not to be connected with waste-pipes or rain-water pipes*

- (f) he constructs such soil-pipe so that it is not connected with any rain-water pipe or with any waste-pipe or waste-water fitting, and so that there is not any trap in such soil-pipe or between the soil-pipe and any drain with which it is connected;

*Access for inspection to be provided at foot of soil-pipes*

- (g) he shall construct such soil-pipe so that the bend to which it may be connected at the foot shall rest in a solid foundation of good cement concrete and, unless an inspection chamber is provided to the drain to



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which such soil-pipe is connected within a distance of six feet from the foot of such soil-pipe, so that the bottom length of such soil-pipe, is provided with an adequate opening, fitted with screw doors and fastenings, for the purpose of access and inspection;

*Size of soil-pipes*

- (h) he shall cause such soil-pipe to be circular and to have an internal diameter of not less than 3½ inches, and to be continued up without diminution of its diameter and (except where unavoidable) without any bend or angle being formed in such soil-pipe, to such a height and in such a position as to afford by means of the open end of such soil-pipe a safe outlet for foul air and so as effectually to prevent any escape of foul air from such soil-pipe into any building in the vicinity thereof, and in no case to a less height than three feet above the eaves of any adjoining roof, or to a less height than six feet above the top of any window, door or other opening which is within a distance of twenty feet horizontally from such pipe or shaft or to a less height than ten feet above the adjoining ground level, and, if unsupported for a length of more than five feet, to be properly stayed; and he shall also cause the open end of such soil-pipe to be furnished with a suitable grating or other cover of approved pattern and material for the purpose of preventing any obstruction in or injury to such soil-pipe by the introduction of any substance through such open end, and he shall in every case cause such grating or cover to be constructed and fitted so as to secure the free passage of air through such grating or cover by means of a sufficient number of apertures, of which the aggregate extent shall be not less than the sectional area of the soil-pipe to which such grating or cover may be fitted;

*No right-angled junctions*

- (i) he shall not cause or permit any right-angled junctions to be made in such soil-pipe, but shall cause every branch soil-pipe to join another soil-pipe obliquely in the direction of the flow of such soil-pipe, and shall cause all bends and turnings to be truly curved;

*Inspection eyes to be provided at all bends and junctions*

- (j) he shall cause suitable provision for the purpose of access and inspection to be provided to such soil-pipe, by means of an adequate opening with screw doors and fastenings or with a screwed metallic cap or plug at every junction or change of direction or gradient in such soil-pipe:

Provided that, where adequate means for through rodding has been provided in any straight section of such soil-pipe by means of adequate openings at the opposite ends of such section, the said provisions for access and inspection may be omitted in the case of any junction in such straight section as aforesaid;

*Weights of branch soil-pipes*

- (k) he shall cause the weight of all branch soil-pipes leading from any soil-water fitting to a soil-pipe or drain, if of lead, to be not less than 7 lb. per foot of lead.

**39. Anti-syphonage pipes to soil-pipes**

(1) Any person who fixes any soil-water fitting, the soil-pipe of which is connected with any soil-pipe receiving the discharge from any other soil-water fitting, shall cause the trap of every such soil-water fitting to be ventilated into the external air at a point as high as the top and open end of the soil-pipe, or into the soil-pipe at a point above the highest soil-water fitting connected with such soil-pipe, and so that the ventilating pipe shall have in all

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parts an internal diameter of not less than two inches, and if more than fifty feet in length not less than three inches in diameter, and if more than eighty feet in length not less than four inches in diameter, and shall cause such ventilating pipe to be connected with the arm of the soil-pipe or the trap of the soil-water fitting at an approved point not less than three inches and not more than twelve inches from the highest part of the trap and on that side of the water seal which is nearer to the soil-pipe.

(2) He shall cause the joint between the ventilating pipe and the arm of the soil-pipe or the trap to be made in the direction of the flow.

(3) He shall construct such ventilating pipe in drawn lead or of heavy cast-iron or other equally suitable material which has been approved of by the local authority.

(4) He shall construct such ventilating pipe so that if the pipe is of lead its weight shall not be less than the weights specified for soil-pipes in paragraph (k) of rule 38, and if the pipe is of cast-iron its thickness shall not be less than  $\frac{3}{16}$  inch.

(5) He shall in all cases cause the joints in and the connexion to such ventilating pipe to be made in the same manner as if such ventilating pipe were a soil-pipe.

(6) Notwithstanding the foregoing provisions of this rule—

- (a) where not more than two soil-water fittings are connected to an efficiently ventilated vertical soil-pipe by means of branch soil-pipes not exceeding four feet in length and meeting the vertical soil-pipe at an angle of not more than fifteen degrees with the horizontal, it shall not be necessary to ventilate the traps of such soil-water fittings.
- (b) where three or more soil-water fittings are connected to an efficiently ventilated vertical soil-pipe by means of a branch soil-pipe the end of which is carried up above the eaves of the roof in the same manner as specified for soil-pipes in paragraph (h) of rule 38 and such other additional ventilating pipes or shafts as may be necessary are provided and carried up as aforesaid, and which is or are in the opinion of the local authority sufficient for the purpose of maintaining the seal in the traps of the soil-water fittings connected to such branch soil-pipe, it shall not be necessary to provide anti-syphonage pipes as specified in this rule.

**40. Connexion of lead pipe with an iron pipe**

Any person who connects a lead soil-pipe, waste-pipe, ventilating pipe or trap with an iron pipe or drain shall insert between such lead soil-pipe, waste-pipe, ventilating pipe or trap and such iron pipe or drain a flanged thimble of copper, brass or other suitable alloy, which shall be not less than  $\frac{1}{8}$  inch in thickness and six inches in length, so that the lead soil-pipe or trap projects slightly beyond the thimble, such projection being turned over the thimble to protect the thimble from any contact with the contents of the pipe or drain, and shall connect such lead soil-pipe, waste-pipe, ventilating pipe or trap with such thimble by means of a wiped or over-cast metallic joint, and shall connect such thimble with such iron or drain by means of a joint made with molten lead properly caulked in the manner prescribed by paragraph (2) of rule 30:

Provided that it shall be sufficient if he connects the lead soil-pipe, waste-pipe, ventilating pipe or trap with the iron pipe or drain in an equally suitable and efficient manner, to be approved by the local authority.

**41. Connexion of stoneware pipe with a lead pipe**

Any person who connects stoneware or semi-vitrified ware trap or pipe with a lead soil-pipe, waste-pipe, ventilating pipe or trap shall insert between such stoneware or semi-vitrified ware trap or pipe and such lead soil-pipe, waste-pipe, ventilating pipe or trap a socket of copper, brass or other suitable alloy, and shall insert such stoneware or semi-vitrified ware trap or pipe into such socket, making the joint with Portland cement, in the

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manner prescribed by paragraph (3) of rule 30, and shall connect such socket with the lead soil-pipe, waste-pipe, ventilating pipe or trap, by means of a wiped or overcast metallic joint:

Provided that it shall be sufficient if he connects the stoneware or semi-vitrified ware trap or pipe with the lead soil-pipe, waste-pipe, ventilating pipe or trap in an equally suitable and efficient manner, to be approved by the local authority.

#### **42. Connexion of lead pipe with a stoneware pipe**

Any person who connects a lead soil-pipe, waste-pipe, ventilating pipe or trap with a stoneware or semi-vitrified ware pipe or drain shall insert between such lead soil-pipe, waste-pipe, ventilating pipe or trap and such stoneware or semi-vitrified ware pipe or drain a flanged thimble of copper, brass or other suitable alloy, so that the lead soil-pipe or trap projects slightly beyond the thimble, such projection being turned over the thimble to protect the thimble from any contact with the contents of the pipe or drain, and shall connect such lead soil-pipe, waste-pipe, ventilating pipe or trap with such thimble by means of a wiped or overcast metallic joint, and shall insert the flanged end of such thimble into a socket in such stoneware or semi-vitrified ware pipe or drain, making the joint with Portland cement, in the manner prescribed by paragraph (3) of rule 30:

Provided that it shall be sufficient if he connects the lead soil-pipe, waste-pipe, ventilating pipe or trap with the stoneware or semi-vitrified ware pipe or drain in an equally suitable and efficient manner, to be approved by the local authority.

#### **43. Connexion of iron pipe with stoneware pipe**

Any person who connects an iron soil-pipe, waste-pipe, ventilating pipe or trap with a stoneware or semi-vitrified ware pipe or drain shall insert the beaded spigot end of such iron soil-pipe, waste-pipe, ventilating pipe or trap into a socket on such stoneware or semi-vitrified ware pipe or drain, making the joint with Portland cement, in the manner prescribed by paragraph (3) of rule 30:

Provided that it shall be sufficient if he connects the iron soil-pipe, waste-pipe, ventilating pipe or trap with the stoneware or semi-vitrified ware pipe or drain in an equally suitable and efficient manner, to be approved by the local authority.

#### **44. Connexion of stoneware pipe, with an iron pipe**

Every person who connects a stoneware or semi-vitrified ware trap or pipe with an iron soil-pipe, waste-pipe, trap or drain shall insert such stoneware or semi-vitrified ware trap or pipe into a socket on such iron soil-pipe, waste-pipe, trap or drain, making the joint with Portland cement, in the manner prescribed by paragraph (3) of rule 30:

Provided that it shall be sufficient if he connects the stoneware or semi-vitrified ware trap or pipe with the iron soil-pipe, waste-pipe trap or drain in an equally suitable and efficient manner, to be approved by the local authority.

#### *Waste-Pipes and Waste-Water Fittings*

#### **45. Requirements for waste-pipes and waste-water fittings**

Every person who provides a waste-pipe or a waste-water fitting in connexion with a building shall, in the providing and fixing of such waste-pipe and such waste-water fitting, comply with the following requirements—

##### *Materials for waste-pipes*

- (a) he shall construct such waste-pipe of either lead, steel, cast-iron or wrought iron, and shall not in any case construct such waste-pipe of either galvanised sheet iron or zinc;

**[Subsidiary]***Waste-pipes to be trapped*

- (b) he shall cause such waste-pipe to be properly trapped, at a point as near as may be practicable to the point at which such waste-pipe is attached to any waste-water fitting, by means of an efficient syphon trap:

Provided that a waste-pipe which does not exceed three feet in length and which receives the discharge from one waste-water fitting only may be fixed without a trap;

*Traps for waste-pipes*

- (c) he shall cause every trap fixed in connexion with such waste-pipe to be constructed of either lead, brass, gun-metal or iron, and to be of an approved pattern, and to be provided on the side or underside with a screwed movable plug; and he shall cause every such trap to be fixed in such manner that the whole of the trap is easily accessible, and to be provided with a water seal at least 2 inches in depth:

Provided that a trap fixed in connexion with a waste-pipe receiving the discharge from a bath only may be provided with a water seal 1 ½ inches in depth;

*Provision as to trap*

- (d) he shall not fix in connexion with such waste-pipe any trap of the kind known as a bell-trap, a dip-trap, a D-trap or a U-trap or running trap, or any such trap as becomes unsealed on the removal of the cover; and he shall cause every trap fixed in connexion with such waste-pipe to be of the same internal diameter as the waste-pipe to which it is connected;

*Iron waste-pipes*

- (e) if he constructs such waste-pipe of iron, he shall cause such waste-pipe to be constructed either of cast-iron not less than  $\frac{3}{16}$  inch in thickness or of wrought iron not less than  $\frac{1}{8}$  inch in thickness;

*Fixing and weight of lead waste-pipes*

- (f) if he constructs such waste-pipe of lead, he shall cause such waste-pipe to be fixed by means of proper lead tacks at not more than the following distances apart—

- (i) vertically—at 3 feet centres;  
(ii) horizontally—at 2 feet 3 inches centres,

and every such waste-pipe, in proportion to its internal diameter, shall be of the following minimum weight—

Internal diameter	Per linear yard
1¼ inches .....	7 lb.
1½ inches .....	9 lb.
2 inches .....	12 lb.

*Waste-pipes to be fixed in accessible positions*

- (g) he shall cause such waste-pipe, wherever practicable, to be fixed above floors, and, in any case where such waste-pipe is fixed below any floor, he shall provide adequate and satisfactory means of access to such pipe for the purpose of inspection and cleansing;

*Disconnexion of waste-pipes*

- (h) he shall cause every such waste-pipe to be taken through an external wall of such building at the nearest practicable point and so constructed and

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fixed as to discharge in the open air, either separately or in conjunction with a common waste-pipe receiving the discharge from two or more waste-water fittings over an open channel communicating with or over a properly trapped gully or into such gully above the level of the water in the trap thereof:

Provided that, with the approval of the local authority and subject to such conditions as it may impose with regard to the construction of a floor of impervious materials, floor washings or a waste-pipe from a bath or a lavatory basin may be permitted to discharge into an open channel communicating with a trapped gulley inside a building where the waste water from such trapped gully as aforesaid discharges by means of a proper waste-pipe in the open air over a trapped gully in the manner already provided for in this rule;

*Sizes of waste-pipes*

- (i) he shall cause every such waste-pipe—
- (i) from a sink, to have an internal diameter of not less than 1½ inches;
  - (ii) from a lavatory basin, to have an internal diameter of not less than 1¼ inches;
  - (iii) from a bath, to have an internal diameter of not less than 1½ inches;
  - (iv) which receives the discharge from two or more waste-water fittings, to have an internal diameter of not less than 2 inches:

Provided that in the case of a common waste-pipe receiving the discharge from lavatory basins only, and which lavatory basins do not exceed four in number, such a common waste-pipe may be provided with an internal diameter of not less than 1½ inches;

*Fixing of waste-water fittings*

- (j) he shall cause every such waste-water fitting to be fixed as near as may be practicable to an external wall of such building, and the outlet for waste-water from such waste-water fitting shall be provided with a good and efficient brass grate of approved type, well and securely fixed, the aggregate extent of the apertures in which shall not be less than the sectional area of the waste-pipe to which such waste-water fitting is fixed; and he shall cause every such waste-water fitting to be constructed of impervious materials having rounded corners or angles, and, if provided with an overflow pipe, such overflow pipe shall be connected to the waste-pipe receiving the discharge from such waste-water fitting on that side of the water seal in the trap provided to such waste-pipe which is the nearer to the waste-water fitting, and the upper end of such overflow pipe shall be so arranged as to permit of the whole of the overflow being easily cleansed;

*Anti-syphonage pipes for waste-pipes*

- (k) he shall cause every trap fixed in connexion with such waste-pipe to be ventilated into the open air at a safe outlet for foul air by means of a pipe, which shall be connected with the highest part of such trap and on that side of the water seal which is nearer to the outgo, and which shall have in all parts an internal diameter not less, in proportion to the internal diameter of the trap which it ventilates, than the following—

Internal diameter of trap	Internal diameter of vent pipe
1¼ inches .....	1 inch
1½ inches .....	1¼ inches
1¾ to 2 inches .....	1½ inches:

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Provided that—

- (i) where not more than three waste-water fittings are connected to an efficiently ventilated vertical waste-pipe the end of which is carried up to a height of not less than twelve inches above the eaves of the roof, by means of branch waste-pipes not exceeding twelve feet in length, or, when four or more waste-water fittings are connected to such ventilated vertical waste-pipe, by means of a branch waste-pipe the end of which is carried up to a height of not less than twelve inches above the eaves of the roof, and such additional ventilating pipes or shafts as may be necessary are provided and carried up above the eaves as aforesaid, and which are in the opinion of the local authority sufficient for the purposes of preventing syphonic action from the traps of the waste-water fittings, it shall be not necessary to ventilate the traps as prescribed in this rule;
- (ii) in the case of a waste-pipe not exceeding twelve feet in length and which receives the discharge from one waste-water fitting only and which is not connected with any other waste-pipe, it shall be not necessary to ventilate the trap of the waste-water fitting;

*Jointing of waste-pipes*

- (l) he shall cause the joints of every such waste-pipe, and the joints of every ventilating pipe provided in connexion with any trap fixed to any such waste-pipe to be made as follows—
  - (i) if such waste-pipe or ventilation pipe is constructed of lead or cast-iron, the joints shall be made in the same manner as if such waste-pipe or ventilation pipe were a soil-pipe;
  - (ii) if such waste-pipe or ventilation pipe is constructed of galvanized wrought iron, the joints shall be made by the pipes being butted closely together and secured by means of screwed joints and couplings, the depth of the couplings being equal at the least to half the diameter of such waste-pipe or ventilation pipe;

*No right-angled junctions*

- (m) he shall not cause or permit any right-angled junctions to be made in such waste-pipe, but shall cause every branch waste-pipe to join another waste-pipe obliquely in the direction of the flow of such waste-pipe, and shall cause all bends and turnings to be truly curved;

*Separate system required for waste-pipes*

- (n) he shall cause every such waste-pipe and every ventilation pipe fixed in connexion therewith to be kept entirely separate and distinct from any soil-pipe or any ventilation pipe fixed in connexion with such soil-pipe.

**46. Rain-water pipes not to be used for conveying soil-water or waste-water**

No person shall cause any pipe used for the purpose of carrying off rain-water from the roof of any building to be used for the purpose of carrying off soil-water or waste water, or to be used as a ventilating pipe to any drain, soil-pipe or waste-pipe.

**47. Overflow pipe not to be connected with any drain or ventilating pipe**

No person shall cause any overflow pipe from any water supply cistern, flushing cistern or water waste preventer, or from any safe under any soil-water fitting or waste-water fitting, to be connected with any drain, soil-pipe, waste-pipe or ventilating pipe, but shall cause such overflow pipe to discharge direct into the open air in a manner and in a position to be approved of by the local authority.



*Gully Traps***48. Gully traps**

(1) Any person who provides and fixes a gully trap in connexion with the drainage of any building shall cause such gully traps to be of good glazed stoneware, or other approved material, and to be provided with a trap having a water seal of not less than 2½ inches in depth, and, except where otherwise required by the local authority to be of the washout type with the bottom of the gully well rounded.

(2) He shall also cause every such gully trap to be fitted with a suitable grating with open slots ½ inch wide, the aggregate area of which slots shall be equal to the sectional area of the pipe or drain into which the gully trap discharges.

(3) He shall also cause such gully trap to be well and securely fixed in a bed of good cement concrete.

*Grease Traps***49. Grease traps**

The local authority may, by written notice addressed to the owner of any hotel, boarding-house, eating-house, restaurant or laundry, or of any factory, workshop or other premises from which waste-water or sewage of a fatty or soapy character is or is to be discharged into any drain or sewer, require such owner within a reasonable time, to be specified in such notice, to provide and fix in connexion with the drainage of such premises a proper and efficient grease trap of an approved pattern and constructed of approved materials for the reception of all waste water from any kitchen or scullery connected with such premises or any waste water or sewage of a fatty or soapy character from such premises before such waste water or such sewage is discharged into the said drain or sewer, and any such owner who fails to comply with the requirements of any such notice, and that within the time specified, shall be guilty of an offence.

*Water-Closets, Slop-Hoppers, Urinals, etc.***50. Water-closets**

Every person who constructs a water-closet in connexion with a building shall, in the construction of such water-closet, comply with the following requirements—

- (a) he shall furnish such water-closet with a pan, basin or other suitable receptacle of non-absorbent material, and of such shape, capacity and mode of construction as to receive and contain a sufficient quantity of water, and to allow all filth which may from time to time be deposited in such pan, basin or receptacle to fall free of the sides thereof, and directly into the water received and contained in such pan, basin or receptacle;
- (b) he shall not construct or fix under such pan, basin or receptacle any container or other similar fitting; and he shall not construct or fix in or in connexion with the water-closet apparatus any trap of the kind known as a D-trap;
- (c) he shall cause every such water-closet, other than a water-closet of the kind known as a trough-closet, to be of the wash-down type, to be self-cleansing and to be provided with a trap having a water seal not less than 2 inches in depth and, except in the case of an approved syphonic closet, the outlet of the trap to be not less than 3½ inches or more than 4 inches internal diameter; and he shall cause the pan and trap of such water-closet to be of porcelain ware or well glazed stoneware, or the trap may be of strong case lead;

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- (d) he shall not fix or cause to be fixed any such water-closet, of the kind known as a trough-closet, of a type which has not been tested by the local authority and found, on testing, to be so designed and constructed as to secure the complete clearing out of dejecta and paper according to the standard test set out in the First Schedule to these Rules;
- (e) if he constructs any water-closet of the kind known as a trough-closet, he shall cause such water-closet to be provided with a trap having a water seal not less than 2 inches in depth and the outlet to the trap to be not less than 3½ inches or more than 4 inches internal diameter, and he shall cause the trough and trap to be of glazed stoneware or other suitable and impervious material to be approved by the local authority:

Provided that no person shall construct a water-closet of the kind known as a trough-closet except with the written permission of the local authority and subject to such terms and conditions as it may prescribe.

**51. Urinals**

Every person who constructs a urinal shall, in the construction of such urinal, comply with the following requirements—

- (a) he shall cause such urinal to be constructed of smooth or glazed impervious material, and to be fitted at floor level with a trap, which shall have a water seal not less than 2 inches in depth, and the floor of such urinal to be constructed of good cement concrete at least 4 inches in thickness or of other approved impervious materials; and he shall also cause such floor, whether the urinal be of the stall or the basin type, to be laid with a proper fall towards such gully for a distance of at least 18 inches from the said gully trap;
- (b) if he constructs a urinal of the basin type, he shall cause the soil-pipe connected to the basin of such urinal to discharge directly over such gully trap, or into a proper smooth or glazed channel leading thereto;
- (c) if he constructs a range of urinals, only one gully trap shall be provided to such range, and communication between each urinal and gully trap shall be provided by means of a smooth or glazed channel; and he shall also cause the floor to be laid with a proper fall towards such channel for a distance of at least 18 inches from the said channel;
- (d) he shall cause every gully trap provided in connexion with such urinal to be provided with a movable or hinged strong barred grate.

**52. Slop-hoppers**

Every person who constructs a slop-hopper in connexion with a building shall, in the construction of such slop-hopper, comply with the following requirements—

- (a) he shall cause such slop-hopper to be composed of porcelain ware, well glazed stoneware or smooth enamelled cast-iron, and the outlet to be fitted with a movable enamelled cast-iron grating with parallel slots of at least one-half of an inch in width, such grating to be fixed just above the water line of the trap of such slop-hopper, and the surface thereof shall not be less than the outgo of the spigot of such slop-hopper;
- (b) he may, if he so desires, provide a second grating to such slop-hopper to be fitted above the aforesaid first grating; and, if he provides such a second grating, he shall cause the width of the slots in such second grating to be not less than one and a half inches in width, and such second grating shall be hinged or movable;



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- (c) he shall not construct any such slop-hopper which is composed of two pieces unless the junction of such two pieces is constructed above the water line of the trap of such slop-hopper and the joint is of sufficient depth and strength to secure its immobility;
- (d) if he causes a housemaid's sink to be attached to such slop-hopper, the waste-pipe from such sink shall not exceed 2 feet in length, and shall be so fixed as to discharge above the level of the water in the trap of such slop-hopper;
- (e) unless such slop-hopper is fixed on a floor of good cement concrete not less than 4 inches in thickness, he shall cause such slop-hopper to be placed upon a safe constructed in the same manner and of the same materials as if the slop-hopper placed on such safe were a water-closet.

**53. Traps and joints of soil-water fittings**

Any person who constructs a soil-water fitting in connexion with a building shall, in the construction of such soil-water fitting, comply with the following requirements—

- (a) he shall cause such soil-water fitting to be provided with an efficient syphon trap having a water seal at least 2 inches in depth;
- (b) he shall, except in the case of an approved floor flange joint, cause the junction of such trap with any soil-pipe to be above the level of the floor of the apartment in which such soil-water fitting is fixed, and to be so situated as to be readily accessible and exposed to view on all sides; and notwithstanding anything contained in rules 40, 41, 42, 43 and 44 of these Rules, he shall, when so required by the local authority, cause the joint between the spigot of such trap and a soil-pipe to be made with bitumen or other like material which is not liable to crack, and which will quickly set hard and firm, but which is capable of removal by heating:

Provided that this Rule shall not apply in the case of a water-closet which is fixed in the manner as described in subparagraph (ii) of paragraph (b) of rule 61 or in the case of any joint or junction between a urinal and any gully trap connected therewith.

**54. Requirements for construction of soil-water fittings**

Any person who constructs any soil-water fitting in connexion with a building shall, in the construction of such soil-water fitting, comply with the following requirements—

Separate water-flushing cistern and apparatus to be finished

- (a) he shall furnish such soil-water fitting with an approved and separate water-flushing cistern of adequate capacity, which shall be so constructed, fitted and placed as to admit of a supply of water for use in such soil-water fitting without any direct connexion between any service pipe upon such building and any part of the apparatus of such soil-water fitting, other than such water supply cistern; and he shall likewise furnish such soil-water fitting with a suitable and approved apparatus for the effectual application of water to any pan, basin or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin or other receptacle, and for the prompt and effectual removal therefrom of any solid or liquid filth which may from time to time be deposited therein;

*Requirements as to cisterns*

- (b) he shall cause such water-flushing cistern to be fitted with a valveless flushing syphon and a strong approved high pressure valve connected to the water inlet, and shall also provide such cistern with an overflow pipe of

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drawn lead or galvanized wrought iron having an internal diameter of not less than  $\frac{3}{4}$  inch, which shall be carried through an external wall of such building so as to discharge in the open air in an exposed position;

*Capacity of water-flushing cisterns to water-closets*

- (c) he shall cause every such cistern provided in connexion with a water-closet to have a capacity of at least 3 gallons;

Provided that in the case of any trough-closet such cistern shall have a capacity of at least 5 gallons per seat of such trough-closet;

*Capacity of water-flushing cisterns to urinals*

- (d) he shall cause every urinal or range of urinals fixed in any public place, or in any hotel or other building which is not a private building, to be provided with an automatic water-flushing cistern capable of discharging at least one gallon of water per urinal for each two feet width of stand at intervals not exceeding twenty minutes;

*Materials for flushing pipes*

- (e) he shall cause the flushing pipe furnished to every such water-flushing cistern to be either of drawn lead of the weights specified for waste-pipes, or of copper, nickel or brass or of strong galvanized wrought iron, and to be fixed vertically and properly connected to such cistern and the soil-water fitting in an approved and workmanlike manner;

*Size and length of flushing pipes to water-closets*

- (f) he shall, in the case of every flushing pipe of a water supply cistern furnished to any water-closet, other than a trough-closet, cause the length of the flush pipe, measured vertically from the discharge end to the bottom of the water supply cistern, and the internal diameter of such pipe to be as follows—
- (i) for high level cisterns, 4 feet 6 inches or more in length, not less than  $1\frac{1}{4}$  inches internal diameter;
  - (ii) for low level cisterns, 2 feet to 4 feet 6 inches in length, not less than  $1\frac{1}{2}$  inches internal diameter; 1 foot to 2 feet in length, not less than  $1\frac{1}{4}$  inches internal diameter; flushing pipes under 1 foot in length, not less than 2 inches internal diameter;

*Size and length of flushing pipes to trough-closets*

- (g) he shall cause every water-flushing cistern provided to any trough-closet to be fixed at such a level that the flushing pipe furnished to such cistern is not less than 6 feet vertically in height, and has an internal diameter not less in any case than the following—
- (i)  $1\frac{1}{2}$  inches internal diameter, for cisterns with a capacity of less than 20 gallons;
  - (ii) 2 inches internal diameter, for cisterns with a capacity of 20 gallons to 30 gallons;
  - (iii)  $2\frac{1}{2}$  inches internal diameter, for cisterns with a capacity of more than 30 gallons;

*Size and length of flushing pipes to urinals*

- (h) he shall cause the flushing pipe of any water-flushing cistern furnished to a urinal to be fixed with such a length as to provide a vertical height of not less than 3 feet between the discharge end of such pipe and the underside of such water-flushing cistern, and to have an internal diameter of not less than  $\frac{3}{4}$  inch;

*Materials to be used for water-flushing cisterns*

- (i) he shall cause every water-flushing cistern furnished in connexion with such soil-water fitting to be constructed of such materials, in accordance with the holding capacity of such cistern, as to comply with the following requirements—
  - (i) water-flushing cisterns up to 3 gallons capacity shall be of strong galvanized cast-iron or other material which has been approved of by the local authority;
  - (ii) water-flushing cisterns over 3 gallons and up to 18 gallons capacity may be constructed of galvanized sheet iron of No. 18 gauge;
  - (iii) water-flushing cisterns over 18 gallons capacity may be constructed of galvanized sheet iron of No. 16 gauge:

Provided that every such cistern constructed of galvanised sheet iron shall be well riveted and stayed together, and the joints made sound and watertight.

**55. Automatic water-flushing cisterns not to be provided without permission**

No person shall construct in connexion with a water-closet any automatic water-flushing cistern, except with the written permission of the local authority and subject to such terms and conditions as it may impose, and no such automatic water-flushing cistern shall be of less holding capacity than 5 gallons.

**56. Automatic water-flushing cisterns**

Every person who constructs an automatic water-flushing cistern in connexion with a urinal, and every person who, with the written permission of the local authority, constructs an automatic water-flushing cistern in connexion with a water-closet, shall, in the construction of such urinal or water-closet, and such automatic water-flushing cistern, comply with the following requirements—

- (a) he shall cause such urinal or range of urinals, or such water-closet, trough-closet, or set of closets, to be erected in such a manner and in such a position that the automatic water-flushing cistern and the stop cocks connected thereto are easily accessible;
- (b) he shall cause such cistern to be provided with two stop cocks, one of a screw-down type for regulating, and the other for shutting off, the water supply, and shall cause such cistern to be regulated in the supply of water, and the water to be turned off at fixed hours, in accordance with any instructions given by the local authority.

**57. Water-closets to be kept provided with sufficient supply of water**

The occupier of any premises on or for which any water-closet is for the time being provided shall, in so far as he is able, cause such water-closet at all times to be properly supplied with a sufficient quantity of water for the proper and efficient flushing thereof, and where, by the act or default of such occupier, any such water-closet is at any time without a proper and sufficient water supply as aforesaid such occupier shall be guilty of an offence.

**58. Position and enclosure of soil-water fittings**

(1) Every person who constructs a soil water fitting in connexion with a building shall construct such soil-water fitting in such a position that it is against or adjacent to an external wall.

(2) He shall also cause every such soil-water fitting to be enclosed in a suitable apartment constructed in such a manner and of such material as meet with the approval of the local authority and, in the case of any water-closet, in accordance with paragraph (a) of rule 61.

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(3) He shall not construct any such soil-water fitting or the apartment connected therewith so that it is approached directly from any room used for the purpose of human habitation, other than a bedroom, or used for the manufacture, preparation or storage of food for man, or used as a factory, workshop, workplace or public building.

(4) He shall construct such soil-water fitting so that on any side on which it would about on a room intended for human habitation, other than a bedroom, or used for the manufacture, preparation or storage for food for man, or used as a factory, workshop, workplace or public building, it is enclosed by a solid wall or partition of brick, stone, concrete or other suitable materials, extending the entire height from the floor to the ceiling.

**59. Window and ventilation for soil-water fitting**

(1) Every person who constructs a soil-water fitting in connexion with a building, whether the situation of such soil-water fitting is or is not within or partly within such building, shall construct in one of the walls of the apartment in which such soil-water fitting is situated a window, the whole of which shall be made to open, of not less dimensions than two square feet, exclusive of the frame, and opening directly upon the external air.

(2) Such apartment as aforesaid, in addition to such window shall also be provided with adequate means of constant ventilation by at least one ventilating aperture, of not less dimensions than 144 square inches, exclusive of any frame, built in an external wall of such apartment.

**60. Trough-closets to open to external air**

Every person who, in connexion with a building, constructs any water-closet of the kind known as a trough-closet shall construct such water-closet so that the entrance thereto opens directly to the external air.

**61. Conditions for construction of water-closets**

Every person who constructs a water-closet in connexion with a building shall, in the construction of such water-closet, comply with the following requirements—

- (a) (i) he shall cause the apartment in which such water-closet is constructed to be substantially built of brick, stone or cement concrete, or of iron framed with iron or wood, and such apartment shall not be of less size in any case than 5 feet by 3 feet inside measurements, and not less than 6 feet 6 inches in height;
- (ii) if such apartment is built of iron framed with iron or wood he shall cause such apartment to have a brick wall at least 4½ inches in thickness, or a stone wall at least 8 inches in thickness, or a cement concrete wall at least 4 inches in thickness, built up at least 2 feet above the level of the floor of the apartment and rendered with cement plaster at least ¾ inch in thickness and finished with a smooth surface;
- (iii) he shall cause every such apartment as aforesaid to be provided with proper doors and fastenings:  
Provided that, in the case of a water-closet of the kind known as a trough-closet, such doors and fastenings may with the written consent of the local authority, be omitted;
- (b) he shall cause such water-closet to be fixed in either of the following manners but not otherwise—
  - (i) he shall—
    - (a) cause the whole of the pan and the trap of such water-closet to be fixed entirely above the level of the floor of the apartment in

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which such water-closet is constructed, and to be provided with a seat of hardwood, hinged at the back, or some other suitable type of seat which has been approved by the local authority;

- (b) not cause or permit the pan of such water-closet to be enclosed or cased round in any manner, but shall construct the same in such a manner that the whole of the pan shall be fully exposed to view;
  - (c) cause the floor of such apartment as aforesaid either to be constructed of good cement concrete not less than 4 inches in thickness or of other impervious materials to be approved by the local authority, or in any case where the floor of such apartment as aforesaid is constructed of wood or other absorbent materials, shall when so required by the local authority cause the pan of such water-closet to be placed upon a safe, constructed of lead or of other suitable impervious materials which have been approved by the local authority;
  - (d) cause such safe to be securely fixed and so constructed as to be watertight, and shall provide the same with an overflow pipe of drawn lead or galvanized wrought iron, having an internal diameter of not less than  $\frac{3}{4}$  inch which shall discharge direct into the external air;
- (ii) he shall cause the whole of the pan of such water-closet to be so sunk below the level of the floor of the apartment in which such water-closet is constructed that the upper face of the flushing rim of such pan is at the level of the floor of the said apartment, and he shall cause the whole of the pan and the trap of such water-closet to be firmly embedded in good cement concrete at least 4 inches in thickness; and he shall also cause the floor of the said apartment to be constructed of good cement concrete at least 4 inches in thickness, and to be so laid with a slope on all sides of the pan of such water-closet that any liquid which may fall upon such floor will flow into the pan of such water-closet.

*Septic Tanks and Sewage Filter Installations, etc.*

**62. Requirements as to septic tanks, etc.**

No person shall construct any septic tank, storage tank, sewage filter installation or other works for the treatment, reception or disposal of sewage except with the written permission of the local authority, and then only subject to the following conditions or such other conditions as it may impose—

*Distance from buildings and plot boundaries*

- (a) he shall not construct any such septic tank, storage tank, sewage filter installation or other works for the treatment, reception or disposal of sewage under any building nor, except with the consent of the local authority, within 40 feet of any building or any plot boundary, nor so that it has, by drain or otherwise, any inlet for rain-water or other surface water or any outlet into or means of communication with any sewer;

*Situation and means of access*

- (b) he shall cause any such septic tank, storage tank, sewage filter installation or other works for the treatment, reception or disposal of sewage to be constructed in such a manner and in such a position as to afford ready means of access thereto for the purpose of cleansing the same, and of removing the contents thereof, and in such manner and in such a position

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as to admit of the contents thereof being removed therefrom and from the premises to which such septic tank, sewage filter installation, or other works for the treatment or disposal of sewage may belong, without being carried through any building;

*To be covered and ventilated*

- (c) he shall cause any such septic tank, storage tank, sewage filter installation or other works for the treatment, reception or disposal of sewage to be sufficiently covered over, to be adequately and efficiently ventilated and to be so protected as to prevent any nuisance therefrom and so as to prevent the breeding of mosquitoes in connexion therewith;

*Disposal of effluents and filtrates*

- (d) he shall not commence the construction of any such septic tank, storage tank, sewage filter installation or other works for the treatment, reception or disposal of sewage until the local authority is satisfied that adequate and satisfactory provision has been made for the periodic emptying and cleansing of the same, or for the innocuous disposal of the effluent or filtrate therefrom, as the case may be;

*To be watertight*

- (e) he shall cause the walls, floors, and coverings of any septic tank, sewage storage tank or effluent tank, and such parts of the walls of any enclosure tank for the reception of filtering medium that may be necessary, to be constructed of impervious materials and so as to be watertight.

*Disposal of Sewage***63. Disposal of sewage**

No person shall dispose of solid or liquid sewage or sewage effluent in such a manner or in such a position as to cause or be likely to cause dampness in any building or part thereof, or to endanger the purity of any water supply, or to create any nuisance:

Provided that nothing in this rule shall be deemed to prohibit the disposal of waste water from baths, lavatory basins or kitchen sinks by a satisfactory method of surface irrigation or sub-irrigation in such a manner that neither dampness of buildings, the breeding of mosquitoes, the pollution of water supplies nor other form of nuisance is caused thereby.

*Deposit of Drainage Plans, Giving of Notices, etc.***64. Notice to be given and plans deposited of new drainage works**

(1) Every person who intends to construct or to carry out any drainage works or works connected in any way with the drainage of any premises shall deposit with the local authority, at its offices, notice in writing of such intention; and he shall at the same time deposit such plans, sections and particulars of the proposed works as may be required by the local authority.

(2) He shall cause such plans and sections to be clearly and indelibly made on linen to a scale of not less than 1 inch to every 16 feet, and shall, amongst other things, show thereon every floor of any building in connexion with which such pipes or drains are to be used, and the position, form, levels and arrangements of the several parts of such building, including the roof thereof, and the size, gradient and position of every drain, and the size, position and mode of construction of every septic tank, cesspool or other receptacle for drainage, and every manhole or inspection chamber, and the size and position of every gully, soil-pipe, waste-pipe, ventilating pipe and rain-water pipe, and of



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any drain passing under such building, and the position of every bath, water-closet apparatus, slop-hopper, slop-sink, urinal, lavatory basin or apparatus, sink and trap in connexion with the foregoing.

(3) He shall also show thereon the position of all windows and other openings into the building, within a distance of 20 feet from the open end of a soil-pipe or ventilating pipe.

(4) He shall at the same time deposit with the local authority, at its offices, a detailed description in writing of the intended mode of constructing, jointing and fixing any such drain, septic tank, cess-pool or other receptacle for drainage, manhole or inspection chamber, gully, soil-pipe, waste-pipe, ventilating pipe, bath, water-closet apparatus, slop-hopper, slop-sink, urinal, lavatory basin or apparatus, sink or trap.

(5) He shall at the same time deposit with the local authority, at its offices, a block plan of the premises upon which any such building is or is to be situated, or any such work is to be carried out, drawn to a scale of not less than 1 inch to every 16 feet, and he shall show thereon—

- (a) the block plan of such building;
- (b) the position of the whole of the buildings on the premises, and so much of the properties adjoining thereto as may be affected by the proposed work;
- (c) the names of the streets or thoroughfares immediately adjoining the premises, and the number or designation of the premises;
- (d) the difference of the level between the lowest floor of such building and the adjoining ground;
- (e) the level of any yard, area or ground or open space belonging to such premises;
- (f) the lines of drainage, with the size, depth and inclination of the proposed drainage, the fall of the ground and the depth of the connexion to any sewer, septic tank, cesspool or other receptacle for drainage, and, so far as can be ascertained without opening the ground, the lines, size, depth and inclination of the existing drainage, the surface drains (if any) and the arrangement for the ventilation of the drains, the existing pipes and drains and the proposed pipes and drains, to be distinctly indicated by different colours;
- (g) the position, form and depth of every existing or proposed manhole or inspection chamber, gully, junction, bend and intercepting trap, and any connexion with a sewer, septic tank, cesspool or other receptacle for drainage;
- (h) the points of the compass:

Provided that, where the plans, sections and particulars deposited under paragraph (1) clearly show the particulars herein before required to be shown on a block plan, it shall not be necessary to deposit a block plan.

(6) The plans, sections, particulars and detailed description hereinbefore mentioned shall be deposited with the local authority twenty-eight days at least before the work is proposed to be commenced, and, in the case where a building is to be erected, before commencing the erection of such building.

(7) Such person shall sign such plans, sections and particulars or cause the same to be signed by his duly authorized agent.

#### **65. Addition to, partial construction, reconstruction or alteration of existing drainage works**

Every person who makes any addition to, partially constructed entirely or partially reconstructs or alter any such works as any described in rule 64 shall be deemed to have

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satisfied the provisions of that rule, if he causes a deposit to be made (in the manner therein provided) of any such plans, sections and particulars of the proposed addition, partial construction, entire or partial reconstruction or alteration as may be necessary for the purpose of enabling the local authority to ascertain whether such addition, partial construction, entire or partial reconstruction or alteration is in accordance with the provisions of these Rules and any other regulations rules and by-laws of the local authority relating thereto, and, in any case plants and sections have been previously deposited in conformity with rule 64, it shall be sufficient for him to refer to such previous deposit, and to give in writing the date thereof and to show the new work on the plans and sections to be deposited and only so much of the existing work as will enable the local authority to see the relative positions of the new and old work.

**66. Copy of plans, etc., to belong to local authority**

One copy of any plans, sections and particulars deposited in compliance with the provisions of rules 64 and 65 shall remain the property of the local authority.

**67. Approval of drainage plans**

So soon as the local authority is satisfied that any such plans, sections or particulars deposited in accordance with rules 64 and 65 do not contravene any of the provisions of these Rules and any other regulations, rules and by-laws of the local authority relating thereto, and are in other respects satisfactory, it shall cause its approval thereof to be signified in writing.

**68. Drainage work not to be commenced before approval obtained**

No person shall begin to construct, install, connect, make any addition to, partially construct, entirely or partially reconstruct or alter any such works as are described in paragraph (1) of rule 64 until he has given notice of his intention and has deposited the plans, sections and particulars required by rules 64 and 65 and the local authority has either intimated its approval of such work or failed to intimate its disapproval thereof within the period hereinafter described in that behalf, and, subject to rule 70 no person shall, except with the written permission of the local authority, carry out such work as aforesaid otherwise than in accordance with the approved plans.

**69. In default of local authority drainage work may be proceeded with**

If the local authority fails to intimate, within twenty-eight days of the receipt of any plans or notice delivered in accordance with these Rules, to the person submitting such plans its disapproval of the proposed work which the said person intends to carry out, the person submitting the plans may proceed with such work in accordance with such plans, but not so as to contravene any of the provisions of these Rules or any other regulations, rules and by-laws of the local authority relating thereto.

**70. Alteration and construction of drainage work in cases of urgency**

Notwithstanding anything contained in any of the preceding rules of these Rules, where, in the opinion of the medical officer of health, in consequence of either an existing nuisance or a case of infectious disease on any premises, the carrying out of any such work as is described in paragraph (1) of rule 64 and rule 65 such premises is a matter of urgency, the medical officer of health may serve a written notice upon the owner of such premises, a copy of which shall be delivered forthwith to the local authority, certifying that the carrying out of any such work as aforesaid is a matter of urgency, whereupon the owner of such premises may proceed forthwith to carry out such work before any such



plans, sections or particulars as may be required under the said rules 64 and 65 have been deposited with the local authority, and shall forthwith send to the local authority notice in writing of his intention so to do:

Provided that—

- (i) where, on a written certificate of urgency issued by the medical officer of health, any such work as aforesaid is carried out on any premises, the person carrying out such work shall, within 14 days from the date of the commencement of such work, deposit the plans, sections and particulars required by the said rules;
- (ii) nothing contained in this rule shall be held to relieve the person carrying out such work as aforesaid from the necessity of complying, in the carrying out of such work, with the provisions of these Rules and any other regulations, rules and by-laws of the local authority relating thereto.

#### **71. Works notice before drainage work is commenced**

(1) Every person who intends to carry out any such work as described in paragraph (1) of rule 64 and rule 65 shall deliver to the local authority, at its offices, notice in writing of such intention at least 24 hours before such person begins to carry out any such work as aforesaid.

(2) The delivery of any notice and the deposit of any plans, sections or particulars as provided in rules 64 and 65 shall not be deemed to be a notice under this Rule.

#### **72. Notice that work is completed and ready for testing**

(1) Every person who carries out any such work as is described in paragraph (1) of rule 64 and rule 65 shall, as soon as such work is ready for testing, give notice in writing to the local authority that such work is ready for testing, and he shall afford to any duly authorized officer of the local authority every facility for inspection and for the purpose of making such tests of the work as may be deemed necessary.

(2) Upon receipt of any such notice as aforesaid, the local authority shall within 48 hours cause such work to be inspected and tested.

#### **73. Drainage work not to be covered up until tested and approved**

No person shall proceed to cover up any such work as is described in paragraph (1) of rule 64 and rule 65 until such work has been inspected, tested and approved by the medical officer of health or other duly authorized officer of the local authority.

#### **74. Certificate to be issued on completion of drainage**

Where any person carries out any such work as is described in paragraph (1) of rule 64 and rule 65, and where, after completion, such work has been inspected, tested and approved, the local authority shall issue to the owner of the premises upon which such work has been carried out a certificate in writing that the said work, after completion, inspection and testing, has been approved:

Provided that such certificate shall not in any way be held to impose any liability whatsoever on the local authority or any of its officers or on Government for any loss or damage that may be caused through any such work not being designed or carried out in a proper, efficient and workmanlike manner, or through any such work being carried out otherwise than in accordance with the approved plans and these Rules.

#### **75. Fresh notice to be given if work not proceeded with within one year**

If any person who is entitled to proceed with any drainage work under rules 67 and 69 fails to do so within the period of one year, the notice given by him shall be held to have

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lapsed, and he shall give fresh notice of his intention before proceeding to carry out such work and that in the manner hereinbefore prescribed.

**76. Unauthorized drainage work**

(1) Any person who carries out or begins to carry out any works in contravention of the provisions of these Rules shall be guilty of an offence, and whether proceedings have been taken against the person offending or not the local authority may serve upon the person so offending a notice in writing requiring him, within a time to be specified in such notice, to execute such alteration upon or to carry out such additions to such works as may be necessary to render such works in accordance with the provisions of these Rules, or to cut into, lay open, remove or demolish the same.

(2) *Local authority may order unauthorized work to be demolished.*—Any person who fails to comply with the requirements of any such notice as aforesaid within the time specified therein shall be guilty of an offence, and the local authority may cause the said works to be altered, cut into, laid open, removed, demolished or otherwise dealt with, and may recover the expense of so doing as a civil debt recoverable summarily from the person so offending.

*Licensing of Plumbers and Drainlayers***77. Drainage work to be carried out by licensed plumbers and drainlayers**

(1) No person shall construct or carry out any drainage works or any works connected in any manner with the discharge of liquid or solid matter into any drain, cesspool, septic, tank or sewer, or otherwise connected with the drainage of any premises, unless such person is in lawful possession of a licence obtained from the local authority authorising him so to do.

(2) Such licence shall be in the form of a plumber's licence or drainlayer's licence in the Second Schedule, and any person to whom any such licence as aforesaid has been issued by the local authority shall be empowered to construct or carry out the following works only in respect of such licence—

*Plumber's licence*

- (a) every person to whom a plumber's licence has been issued by the local authority shall be entitled to carry out any plumbing work in connexion with the construction, fixing, laying, repair or removal of pipes, valves, traps, drains or other apparatus or appliance connected with the drainage of any premises, but not to construct or lay any stoneware drain, inspection chamber, cesspool, septic tank, sewage filter installation or other works for the treatment or disposal of sewage;

*Drainlayer's licence*

- (b) every person to whom a drainlayer's licence has been issued by the local authority shall be entitled to construct or lay any stoneware drain, inspection chamber, cesspool, septic tank, sewage filter installation or other works for the treatment or disposal of sewage, but not to carry out the work of a plumber:

Provided that nothing in this Rule shall be deemed to prohibit any workman carrying out any such works as aforesaid, where such workman carries out such works under the direction, supervision and control of a licensed plumber or a licensed drainlayer.

(3) Any person who contravenes any of the provisions of this rule shall be guilty of an offence.

**78. Plumbers and drainlayers must satisfy local authority of their competency**

No plumber's licence and no drainlayer's licence shall be issued by the local authority to any person until such person has satisfied the local authority as to his competency to carry out the work of a licensed plumber or of a licensed drainlayer, and the local authority may require any person who applies for a plumber's licence or a drainlayer's licence to submit himself to examination by such a body of persons as the local authority may appoint for the purpose of ascertaining whether such person as aforesaid is competent to carry out the work of a licensed plumber or a licensed drainlayer in a satisfactory and efficient manner.

**79. Register of licensed persons to be kept by local authority and signed by licensees**

Before the local authority issues a plumber's licence or a drainlayer's licence to any person, such person shall be required to sign a register, which shall be kept by the local authority, containing a declaration that he accepts such licence subject to, and that he will conform with, the conditions thereof and the provisions of these Rules and any other regulations, rules and by-laws of the local authority relating to drainage works or any works connected in any manner with the drainage of any premises.

**80. Licence to be produced for inspection**

Any person to whom a plumber's licence or a drainlayer's licence has been issued by the local authority under these Rules shall, if called upon at any reasonable time to do so, produce his licence for the inspection of any duly authorized officer of the local authority or the medical officer of health or a sanitary inspector.

**81. Cancellation of licence**

The local authority may at any time cancel any licence issued to any plumber or drainlayer under these Rules if the local authority is satisfied that such licensed plumber or such licensed drainlayer has, either by himself or by his workmen, caused or permitted any plumbing or drainlaying work to be carried out in a negligent or unworkmanlike manner to the injury of any person or property, or contrary to any of the provisions of these Rules or any other regulations, rules or by-laws of the local authority relating to drainage works or any works connected in any manner with the drainage of any premises:

*Opportunity for defence*

Provided that, before any such licence is cancelled as aforesaid, the person whose licence it is proposed to cancel shall be given an opportunity of appearing before the local authority or before a committee appointed by the local authority, and of being heard in his own defence.

**82. Date of effect**

Rules 77, 78, 79, 80 and 81 shall not come into force until after the expiration of a period of six months from the date of the application of these Rules under rule 2.

*Provision of Latrine Accommodation***83. New buildings must be provided with latrine accommodation**

(1) It shall not be lawful newly to erect any domestic building or public building or to re-erect any domestic building or public building of which any two external walls have been pulled down or burned down or have fallen down to or below the level of the ground floor, or to occupy or, being the owner thereof, permit to be occupied any such domestic building or public building without proper and sufficient latrine accommodation so situated as to be conveniently accessible to all persons to be employed or accommodated therein.

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(2) For the purposes of this Rule, in the case of a domestic building the whole or any part or portion of which is designed or intended to be used as a dwelling-house, such a domestic building shall not be deemed to be provided with proper and sufficient latrine accommodation unless each and every dwelling-house in such domestic building is provided with proper, sufficient and separate latrine accommodation so situated as to be conveniently accessible to the inmates of such dwelling-house.

(3) Notwithstanding anything contained in this Rule, where, in the opinion of the local authority, sufficient latrine accommodation can be so conveniently situated that it may be used in common by the inmates of two or more dwelling-houses or the inmates of one or more dwelling-houses and of any part of a domestic building not being a dwelling-house, it shall be lawful for the local authority to require to be provided such latrine accommodation as it may deem sufficient for the use of such occupants as aforesaid, and to allow such latrine accommodation to be used in common by such occupants.

(4) Any person who causes any domestic building or public building newly to be erected or to be re-erected, or who occupies, or being the owner thereof permits to be occupied, any such newly erected or re-erected domestic building or public building, in contravention of the provisions of this rule, shall be guilty of an offence.

**84. Local authority to require latrine accommodation in existing buildings**

(1) If a domestic building or a public building appears to the local authority to be without proper and sufficient latrine accommodation so situated as to be conveniently accessible to the inmates of or the persons employed or accommodated in such domestic building or public building, the local authority shall, by written notice served upon the owner or occupier of the domestic building or public building, require such owner or occupier, within a reasonable time to be specified in such notice, to provide proper and sufficient latrine accommodation so situated as to be conveniently accessible to the inmates of or the persons employed or accommodated in such domestic building or public building.

(2) Any owner or occupier who, on receipt of such written notice, fails to comply with the requirements of such notice, and that within the time specified, shall be guilty of an offence, and the local authority may, after the expiration of the time specified in the notice, do the work required to be done, and may recover as a civil debt recoverable summarily from the owner the expenses incurred by them in so doing.

(3) For the purposes of this rule, in the case of a domestic building the whole or any part or portion of which is used as a dwelling-house, such a domestic building shall not be deemed to be provided with proper and sufficient latrine accommodation unless each and every dwelling-house in such domestic building is provided with proper, sufficient and separate latrine accommodation so situated as to be conveniently accessible to the inmates of such dwelling-house:

Provided that where, at the date of the application of these Rules under rule 2, latrine accommodation has been and is used in common by the inmates of two or more existing dwelling-houses, or the inmates of one or more existing dwelling-houses, and of any part of an existing domestic building not being a dwelling-house, and if in the opinion of the local authority such latrine accommodation may continue to be so used, the local authority may permit such latrine accommodation to be used in common for such period of time as it may think fit, and it need not require separate latrine accommodation to be provided for each such dwelling-house.

**85. Latrines for factories and workshops, etc.**

(1) The owner or occupier of every factory, workshop, work-place or other premises where persons are employed or in attendance provide such factory, workshop, workplace or other premises as shall with proper and sufficient latrine accommodation, regard aforesaid had to the number of persons employed in or in attendance being at such

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factory, workplace, workshop or other premises as aforesaid and also, where persons of both sexes are or are to be employed or in attendance, with proper accommodation for persons of each sex, and such owner or occupier shall, in the provision of such latrine accommodation, comply with the following requirements—

- (a) in factories, workshops, workplaces or other premises as aforesaid where females are employed or in attendance, he shall provide one water-closet for every 25 females, or one pail closet for every 15 females;
- (b) in factories, workshops, workplaces or other premises as aforesaid where males are employed or in attendance, he shall provide one water-closet for every 25 males or one pail-closet for every 15 males:  
 Provided that, where the number of males employed or in attendance exceeds 100 and sufficient urinal accommodation is also provided, it shall be sufficient if there is one water-closet for every 25 males up to the first 100 and one for every 40 thereafter, or one pail-closet for every 15 males up to the first 105 and one for every 25 thereafter;
- (c) he shall, in calculating the number of latrines required under paragraphs (a) and (b) of this rule, reckon any number of persons less than 15, 25 or 40, as the case may be, as 15, 25 or 40 respectively;
- (d) he shall cause every latrine to be kept in a clean state;
- (e) he shall cause every latrine to be under cover and so partitioned off as to secure privacy, and if for the use of females to have proper doors and fastenings;
- (f) he shall cause all latrine accommodation to be so arranged and maintained as to be conveniently accessible to all persons employed in such factory, workshop, workplace or other premises as aforesaid at all times during their employment;
- (g) he shall, where persons of both sexes are employed, cause the latrines for each sex to be so placed or so screened that the interior is not visible, even when the door of any latrine is open, from any place where persons of the other sex have to work or pass; and, if the latrines for one sex adjoin those for the other sex, the approaches shall be separate;
- (h) he shall, when so required by the local authority, cause every latrine which is used at night to be provided with adequate lights kept lighted during the night.

(2) If it appears to the local authority that the provisions of this Rule have not been complied with in regard to any factory, workshop, workplace or other premises where persons are employed or in attendance, the local authority shall serve a written notice upon the owner or occupier of such factory, workshop, workplace or other premises as aforesaid requiring such owner or occupier, within a time specified in such notice, to provide proper and sufficient latrine accommodation in accordance with this rule, and any such owner or occupier who fails to comply with the requirements of any such notice which has been served upon him, and that within the time specified, shall be guilty of an offence.

#### **86. Latrines for hotels, boarding-houses, theatres, public halls, etc.**

(1) The owner or occupier of every hotel, boarding-house, church or place of public worship, theatre, public hall or public place of assembly for persons admitted by ticket or otherwise shall provide such hotel, boarding-house, church or place of public worship, theatre, public hall or public place of assembly as aforesaid with proper and sufficient latrine accommodation, regard being had to the number of persons for whom accommodation is or is to be provided in such hotel, boarding-house, church or place of

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public worship, theatre, public hall or public place of assembly as aforesaid and with proper separate accommodation for persons of each sex, and such owner or occupier shall, in the provision and maintenance of such latrine accommodation, comply with the following requirements—

- (a) in hotels and boarding-houses—
  - (i) he shall provide one water-closet for females for every 40 persons who are or are to be accommodated therein, or one pail-closet for females for every 30 persons who are or are to be accommodated therein;
  - (ii) he shall provide one water-closet for males for every 40 persons who are or are to be accommodated therein, or one pail-closet for males for every 30 persons who are or are to be accommodated therein:  
 Provided that, where the number of persons who are or are to be accommodated therein exceeds 120 and sufficient urinal accommodation is also provided for males, it shall be sufficient if there is one water-closet for males for every 40 persons who are or are to be so accommodated up to the first 120, and one for every 60 thereafter, or one pail-closet for males for every 30 persons who are or are to be so accommodated up to the first 120, and one for every 40 thereafter;
  - (iii) he shall, in calculating the number of latrines required under paragraphs (i) and (ii) of this subparagraph, reckon any number of persons less than 30, 40 or 60, as the case may be, as 30, 40 or 60 respectively;
  - (iv) he shall cause all latrine accommodation to be so arranged and maintained as to be conveniently accessible at all times to all persons who are accommodated in such hotel or boarding-house:  
 Provided that, in any case where any hotel or boarding-house is used or intended to be used for the accommodation of persons of one sex only, he shall provide such hotel or boarding-house with twice the number of latrines specified in paragraphs (a) and (b);
- (b) in churches or places of public worship, he shall provide such latrine accommodation as the local authority may require;
- (c) in theatres, public halls, or public places of assembly as aforesaid—
  - (i) he shall provide one water-closet for females for every 200 persons who are or are to be accommodated therein, or one pail-closet for females for every 150 persons who are or are to be accommodated therein;
  - (ii) he shall provide one water-closet for males for every 200 persons who are or are to be accommodated therein or one pail-closet for males for every 150 persons who are or are to be accommodated therein:  
 Provided that, where the number of persons who are or are to be accommodated therein exceeds 150, he shall also provide proper and sufficient urinal accommodation for males in addition to any such water-closet as aforesaid;
  - (iii) he shall, in calculating the number of latrines required under subparagraphs (i) and (ii), reckon any number of persons less than 150 or 200, as the case may be, as 150 or 200 respectively;
  - (iv) he shall cause all latrine accommodation to be so arranged and maintained as to be conveniently accessible to all persons



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accommodated in such theatre, public hall or public place of assembly as aforesaid, at all times during which they are so accommodated:

Provided that, notwithstanding anything contained in subparagraphs (i) and (ii), in the case of race meetings, shows or extraordinary gathering, it shall be lawful for the local authority to require such latrine accommodation in excess of the provision specified in those paragraphs, as the local authority may consider necessary;

- (d) in hotels, boarding houses, churches or places of public worship, theatres, public halls or public places of assembly as aforesaid—
  - (i) he shall cause every latrine to be kept in a cleanly state;
  - (ii) he shall cause every latrine to be under cover and so partitioned off as to secure privacy, and in the case of any water-closet or plain-closet to have proper doors and fastenings;
  - (iii) he shall cause the latrines for each sex to be so placed or so screened that the interior is not visible, even when the door of any latrine is open, from any place where persons of the other sex have to or are permitted to pass; and, if the latrines for one sex adjoin those for the other sex, the approaches shall be separate;
  - (iv) he shall, when so required by the local authority, cause every latrine which is used at night to be provided with adequate lights kept lighted during the night.

(2) If it appears to the local authority that the provisions of this rule have not been complied with in regard to any hotel, boarding-house, church, place of public worship, theatre, public hall or public place of assembly as aforesaid, the local authority shall serve a written notice upon the owner or occupier of such hotel, boarding-house, church, place of public worship, theatre, public hall or public place of assembly as aforesaid requiring such owner or occupier, within a time specified in such notice, to provide proper and sufficient latrine accommodation in accordance with this rule, and any such owner or occupier who fails to comply with the requirements of any such notice which has been served upon him, and that within the time specified, shall be guilty of an offence.

**87. Temporary latrines for workmen**

Every contractor, builder or other person employing workmen for the demolition, construction, reconstruction or alteration of any building or other work in any way connected with a building shall, when so required by the local authority, provide in an approved position, and thereafter maintain for such time as workmen are engaged thereon, sufficient and convenient latrine accommodation for such workmen.

**88. Latrines for different races**

(1) Notwithstanding anything contained in rules 83, 84, 85, 86 and 87, where on any premises persons of different races are or are to be employed, accommodated or in attendance, it shall be lawful for the local authority to require proper, separate and sufficient latrine accommodation to be provided for the sole use of persons of each race, so situated as to be conveniently accessible to such persons.

(2) Such separate latrine accommodation which may lawfully be required by the local authority to be provided shall be in accordance with the standards laid down in rules 85 and 86, as the case may be.

(3) For the purposes of this Rule, unless specially exempted by the local authority and subject to such conditions as it may impose, in the case of any premises the whole or any part or portion of which is used as one or more dwelling-houses the owner or occupier of

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such premises shall not be deemed to have provided proper, sufficient and separate latrine accommodation for the sole use of persons of each race unless has been provided for each dwelling-house.

(4) If it appears to the local authority that the provisions of this Rule have not been complied with in regard to any premises on which persons of different races are employed, accommodated or in attendance, the local authority shall serve a written notice upon the owner or occupier of such premises requiring such owner or occupier, within a time specified in such notice, to provide proper and sufficient latrine accommodation for the sole use of persons of each race in accordance with this Rule, and any such owner or occupier who fails to comply with the requirements of any such notice which has been served upon him, and that within the time specified, shall be guilty of an offence.

**89. Improper use of latrines used in common**

With respect to any latrine used in common by the occupiers of two or more separate dwelling-houses, domestic buildings or premises, or by other persons, if any such person injures or improperly fouls such latrine or anything used in common therewith, he shall be guilty of an offence.

**90. Improper use of public latrines**

Any person who injures or makes improper or unclean use of any public latrine or a latrine provided in connexion with any church or place of public worship, theatre, public hall or other public place of assembly shall be guilty of an offence.

**91. No latrine other than water-closet to be constructed within 200 feet of sewer**

(1) No person shall construct a latrine in connexion with a building, other than a water-closet or a urinal, where any part of the site of such latrine or such building is within 200 feet of a sewer belonging to the local authority which is at a suitable level, and where there is sufficient water supply.

(2) Any person who constructs a latrine so as to contravene any of the provisions of this Rule shall be guilty of an offence, and the local authority may demolish and remove such latrine, and may recover from such person as a civil debt recoverable summarily the cost incurred in demolishing and removing the same.

**92. No latrine other than water-closet or urinal inside dwelling**

No person shall provide, construct, fix, retain or use any latrine other than a water-closet or a urinal inside or under the same roof as any dwelling-house, and any person who provides, constructs, fixes, retains or uses any such latrine so as to contravene the provisions of this rule shall be guilty of an offence.

**93. Latrines other than water-closets and urinals to be protected against flies**

Every person who erects any latrine, not being a water-closet or a urinal, in connexion with a building shall cause all reasonably practical measures to be used to prevent flies gaining access to the apartment of such latrine, and any person who, in the erection of any such latrine, fails to comply with the provisions of this rule shall be guilty of an offence.

**94. Local authority to enforce protection of latrines against flies**

If it appears to the local authority that all reasonably practical measures have not been or are not being used to prevent flies gaining access to the apartment of any latrine, such latrine not being a water-closet or a urinal, the local authority shall serve a written notice upon the owner of such latrine requiring him, within a reasonable time to be specified in such notice, to carry out such reasonably practical works as may be necessary to prevent



flies gaining access to the apartment of such latrine, and any owner who, on receipt of such notice, fails to comply with the requirements of such notice, and that within the time specified, shall be guilty of an offence.

### *Pail-Closets*

#### **95. Requirements as to pail-closets**

Every person who constructs or provides a pail-closet in connexion with a building shall, in the construction and provision of such pail-closet, comply with the following requirements—

##### *Distance of pail-closets from kitchens*

- (a) he shall not construct or provide such pail-closet within ten feet of any kitchen;

##### *Pail-closets to be away from dwelling-house*

- (b) he shall not construct or provide such pail-closet within any part of a dwelling-house or under the same roof as any dwelling-house, but shall construct such pail-closet so that the entrance opens directly on to the external air, and so that on any side on which it would abut on any part of a dwelling-house it is separated from such dwelling-house by a solid wall or partition of brick, stone or concrete or other suitable materials extending the entire height from the floor to the ceiling;

##### *Pail-closet not to open on to certain rooms*

- (c) he shall not construct or provide such pail-closet so that it is approached directly from any room used for the manufacture, preparation, storage or sale of food for man, or used as a factory, workshop, workplace or public building, but shall construct or provide such pail-closet so that on any side on which it would abut on a room intended for the manufacture, preparation, storage or sale of food for man, or used as a factory, workshop, workplace or public building it is enclosed by a solid wall or partition of brick, stone, concrete or other suitable materials, extending the entire height from the floor to the ceiling;

##### *Ventilation lobby for pail-closets in buildings*

- (d) where the entrance to such pail-closet does not open directly into the external air, he shall cause such pail-closet to be entirely separated and cut off from any room used for the manufacture, preparation, storage or sale of food for man, or used as a factory, workshop, workplace or public building, by means of a passage or lobby provided with a window of not less dimensions than two square feet, exclusive of the frame, and opening directly into the external air; and such passage or lobby, in addition to such window, shall also be provided with adequate means of constant ventilation by at least one ventilating aperture, of not less dimensions than 144 square inches, exclusive of any frame, built in an external wall of such passage or lobby;

##### *Pail-closets to be lighted and ventilated, and protected against flies*

- (e) he shall, whether the situation of such pail-closets is or is not within such building, construct in one of the external walls of such pail-closet an opening for light and ventilation of not less dimensions than two square feet, situated as near to the top of such pail-closet as convenient and communicating directly with the external air, which opening shall be properly and efficiently covered with fly-proof gauze so as to prevent the entrance of flies;

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[Subsidiary]*Siting of pail-closets*

- (f) he shall construct or provide such pail-closet in such a position, if practicable, as to back on a sanitary lane, and in such a manner and in such a position as to afford ready means of access to such pail-closet, for the purpose of cleaning the same and of removing filth therefrom, and in such a manner and in such a position as to admit of all filth being removed from such pail-closet, and from the premises to which it may belong, without being carried through any domestic building or public building;

*Pail-closets to be built in accordance with a standard design*

- (g) he shall not construct or provide such pail-closet otherwise than in accordance with a standard pattern approved by the local authority or with plans and specification submitted to and approved by the local authority.

*Pit-Closets***96. Pit-closets not to be constructed without permit from local authority**

No person shall construct or provide latrine accommodation of the kind known as a pit-closet or latrine accommodation situated over any hole or excavation in the ground which hole or excavation is intended for the reception of human excreta, except where, in the opinion of the local authority, the site of such proposed accommodation and the character of the soil are in every respect suitable and satisfactory for such a purpose, and the local authority has signified its approval thereof in writing, and then only subject to such conditions as the local authority may prescribe.

*Miscellaneous***97. Notices may be printed or written**

Notices and other documents under these Rules may be in writing or in print, or partly in writing and partly in print, and, if the same require authentication by the local authority, the town engineer or the medical officer of health, the signature thereof respectively by the town clerk, town engineer, medical officer of health, sanitary inspector or District Commissioner, as the case may be, shall be sufficient authentication.

**98. Service of notices**

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

**99. Defect in form not to invalidate notices**

No defect in the form of any notice or other document made under these Rules shall invalidate or render unlawful the administrative action, or be a ground for exception to any legal proceedings, which may be taken in the matter to which such notice or other document relates, provided the requirements thereof are substantially and intelligibly set forth.

**100. Penalties**

Any person who is guilty of an offence under, or contravention of, or default in complying with, any provision of these Rules shall be liable on conviction to a fine not exceeding five hundred shillings, and if the offence, contravention or default is of a continuing nature to a further fine not exceeding sixty shillings for each day during which he makes default.

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**FIRST SCHEDULE**

[Rule 50.]

**REQUIREMENTS REGARDING WATER-CLOSETS****STANDARD TEST**

1. Trap to be properly filled with water. Coloured fluid to poured into trap. Basin to be soiled with plumbers' soil or liquid mud. Flush.

Basin must be so cleared as to leave water in basin clear and clean at the completion of one flush.

2. Trap to be properly filled with water. Four pieces of potato or apple to be placed in the trap, none of which shall exceed two inches in diameter. A piece of cotton waste, sponge or cloth to be placed in the trap, not to exceed two inches in diameter; also three pieces of toilet paper, crumpled up, to be placed in the trap, and toilet paper be placed over water surface and around sides of basin. Flush.

Basin must be completely cleared of all solids by one flush.

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**SECOND SCHEDULE**

[Rule 77.]

OFFICES OF THE LOCAL AUTHORITY,

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.....

....., 20 .....

**PLUMBER'S LICENCE****PUBLIC HEALTH (DRAINAGE AND LATRINE) RULES**

Licence No. ....

Mr. ...., of .....

is hereby licensed as a plumber under the Public Health (Drainage and Latrine) Rules, and is entitled to carry out any plumbing work in connexion with the construction, fixing, laying, repair or removal of pipes, valves, traps, drains or other apparatus or appliance connected with the drainage of any premises, but not to construct or lay any stoneware drain, inspection chamber, cesspool, septic tank, sewage filter installation or other works for the treatment or disposal of sewage.

.....

*Local Authority*

OFFICES OF THE LOCAL AUTHORITY,

.....

....., 20 .....

[Subsidiary]

SECOND SCHEDULE—*continued*

## DRAIN LAYER'S LICENCE

## PUBLIC HEALTH (DRAINAGE AND LATRINE) RULES

Licence No. ....

Mr. ...., of .....

is hereby licensed as a drainlayer under the Public Health (Drainage and Latrine) Rules, and is entitled to construct or lay any stoneware drain, inspection chamber, cesspool, septic tank, sewage filter installation or other works for the treatment or disposal of sewage, but not in any way to perform the work of a plumber.

.....  
*Local Authority*  
  
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**APPLICATION OF THE ABOVE RULES UNDER RULE 2**

[Cap. 130 of (1948), Sub. Leg. G.N. 196/1951, G.N. 728/1951, G.N. 1113/1951, G.N. 1358/1951, G.N. 136/1952, G.N. 187/1952, G.N. 350/1952, L.N. 99/1956, L.N. 506/1957, L.N. 514/1957, L.N. 519/1957, L.N. 87/1958, L.N. 111/1958, L.N. 245/1958, L.N. 63/1959, L.N. 127/1959, L.N. 483/1959, L.N. 150/1960, L.N. 463/1960, L.N. 464/1960, L.N. 600/1962, L.N. 244/1963.]

The whole of the Public Health (Drainage and Latrine) Rules have been applied to the following areas—

Kisumu Municipality.

[Cap. 130 of (1948), Sub. Leg. G.N. 187/1952.]

Eldoret Municipality.

Nakuru Municipality.

Nyeri Township.

[G.N. 728/1951, L.N. 483/1959.]

Nanyuki Township.

[G.N. 1358/1951, L.N. 483/1959.]

Malindi Township.

[G.N. 1113/1951.]

Voi Township.

[L.N. 99/1956, L.N. 111/1958.]

Thomson's Falls Township.

[G.N. 136/1952, L.N. 506/1957.]

Kitale Municipality.

[L.N. 519/1957.]

Kabarnet Township.

[L.N. 63/1959.]

Karatina Township.

[L.N. 150/1960.]

The following part of the district of the Kiambu African District Council, namely the area vested in the East African Railways and Harbours Administration, known as the Limuru Siding and Godown Plots, comprising plots L.R. Nos. 7882/1-8.

[L.N. 463/1960.]

The district of the Naivasha Urban District Council.

[L.N. 464/1960.]

That part of the district of the Gilgil Rural and Urban Council which comprises Gilgil Township.

[L.N. 464/1960.]

That part of the Ol Kalou Rural and Urban Council which comprises Ol Kalou Township.

[L.N. 464/1960.]

City Council of Nairobi.

[L.N. 600/1962.]

Embu Township.

[L.N. 244/1963.]

**[Subsidiary]**

The following provisions of the Public Health (Drainage and Latrine) Rules have been applied to the following areas—

Kakamega Township: all except rules 77 to 82.

[Cap. 130 of (1948), Sub. Leg.]

Kisii Township: all except rules 18, 24 and 77 to 82.

[G.N. 196/1951.]

Kericho Township: all except rules 77 to 82.

[G.N. 350/1952.]

All townships and trading centres within the County of Nakuru, and the Lanet Planning Area: all except rules 77 to 82.

[L.N. 514/1957.]

Bungoma Township: all except rules 77 to 82.

[L.N. 87/1958.]

Ngong Township: all except rules 77 to 82.

[L.N. 245/1958.]

Kiambu Township: all except rules 77 to 82.

[L.N. 127/1959.]

Limuru Township: all except rules 77 to 82.

[L.N. 127/1959.]

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**PUBLIC HEALTH (KISUMU DENSITY OF DWELLINGS) RULES**

[Cap. 130 of (1948), Sub. Leg.]

1. These Rules may be cited as the Public Health (Kisumu Density of Dwellings) Rules, and shall apply to the Municipality of Kisumu.

2. In these Rules, unless the context otherwise requires—

“**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;

“**dwelling-house**” means a building or any part or portion of a building used or constructed, adapted or designed to be used for human habitation, as a separate tenancy, or by one family only, whether detached, semi-detached or separated by party walls or by floors from adjoining buildings, together with such outbuildings as are reasonably required to be used or enjoyed therewith;

“**old bazaar**” means and includes that area of the Municipality bounded on the south-east and east by the Railway boundary, to its junction with Temple Road, thence along Temple Road to its junction with Junction Road, thence along this road to its junction with the Railway boundary;

“**plot**” means any area of land being the subject of a separate lease or conveyance from the Government;

“**subplot**” means any portion of a plot, such portion being the subject of a separate registered conveyance, assignment or sublease, and extends also to and includes any portion of a plot being the subject of a separate sublease or upon which any building is erected which is wholly in, or is constructed or adapted to be wholly in, one occupation or is let or adapted to be let to a separate tenant.

3. No person shall erect a building or make any alteration or addition to a building on any plot or subplot where such plot or subplot or such building as aforesaid, or any building or part of a building on such plot or subplot, is intended to be used as a dwelling unless at least half of the said plot or subplot is left unbuilt upon, unless the plot or subplot be so denuded of buildings that, after erecting such building or making such alterations or additions to a building as aforesaid, at least half of such plot or subplot shall be left unbuilt upon.

4. No person shall use or, being the owner thereof, permit to be used any plot or subplot or any building or part of a building on any plot or subplot as a dwelling where, on the commencement of these Rules, such plot or subplot or such building or part of a building as aforesaid was not being used as a dwelling, unless at least half of the said plot or subplot has been left unbuilt upon or unless the said plot or subplot is so denuded of buildings that at least half of such plot or subplot is left unbuilt upon.

5. On and after the 1st April, 1929, no person shall use or, being the owner thereof, permit to be used as a dwelling any plot or subplot or any building or part of a building on any plot or subplot, in the old bazaar, unless at least half of the said plot or subplot has been left unbuilt upon or unless the said plot or subplot is so denuded of buildings that at least half of such plot or subplot is left unbuilt upon.

6. Notwithstanding anything to the contrary contained in rules 3, 4 and 5 in the case of buildings appearing in the opinion of the superintendent of conservancy to be constructed, adapted or designed to be used entirely as hotels or residential clubs, the proportion of the plot or subplot upon which such buildings stand or are to stand which shall be left unbuilt upon may be reduced to one-third.

**[Subsidiary]**

7. (1) No person shall so erect, add to or alter a building in such a manner that on the plot or subplot on which such building stands (such plot or subplot being not greater than one thirty-fifth of an acre) there is more than one dwelling-house, or so that there is any dwelling-house on any plot or subplot which is of less extent than one thirty-fifth of an acre, or so that the number of dwelling-houses over the whole area of such plot or subplot exceeds the number yielded by a ratio of thirty-five dwelling-houses to one acre.

(2) In determining the number of dwelling-houses which shall be permitted upon any plot or subplot in accordance with the foregoing provisions, no regard shall be had to any open spaces, streets or passages reserved or agreed to be reserved and abutting upon or in the vicinity of such plot or subplot.

(3) Nothing contained herein shall be deemed to apply to any building which, in the opinion of the superintendent of conservancy, is constructed, adapted or designed to be used as a hotel or residential club, and which in his opinion is unlikely, on account of the manner in which it may be used, to become a menace either to the health of the inhabitants thereof or of the community.

8. No person shall so erect, add to or alter a building intended, adapted or designed to be used wholly or partially for human habitation that any portion thereof which constitutes a dwelling-house is without separate and independent access to a street, such street not being a sanitary lane or a passage.

9. No person shall erect a building intended, adapted or designed to be used wholly or partially for human habitation on any plot or subplot which has not a frontage of at least fourteen feet upon a street, such street not being a sanitary lane or a passage.

10. The superintendent of conservancy shall have powers in every case to determine whether any street is a sanitary lane or a passage, and his decision shall be final, but no street measuring forty feet or more in width shall in any circumstances be deemed to be a sanitary lane or a passage.

11. Any person guilty of an offence against, or contravention of, or default in complying with, any of the provisions of these Rules shall be guilty of an offence, and liable to a fine not exceeding five hundred shillings, and, if the offence, contravention or default is of a continuing nature, to a further fine not exceeding sixty shillings for each day during which he makes default.

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**PUBLIC HEALTH (MOMBASA STORAGE OF HIDES AND SKINS) RULES**

[Cap. 130 of (1948), Sub. Leg.]

1. These Rules may be cited as the Public Health (Mombasa Storage of Hides and Skins) Rules, and shall apply to the Municipality of Mombasa.

2. In these Rules—

**“hides and skins”** means the hide or skin of any animal which, in the opinion of the local authority, is in such a state or condition as to be likely to give rise to any noxious or offensive smell;

**“hide and skin godown”** means any building or part of a building used, or constructed, adapted or designed to be used, for the storage, preparation, examination or packing of hides or skins or both, or in any part of which any hide or skin or both are dealt with in any manner;

**“hide and skin godown area”** means that area on the west side of Mombasa Island included within the boundaries as follows: from high-water mark at the NW. corner of plot 23 section III southerly along the western and south-western boundaries of plot 23 section III to the junction of Hobley and Makupa Roads at survey beacon 17F; thence southerly through beacon 31 on the southern boundary of plot 80 section II to beacon B88 on the southern boundary of plot 74 of section II, thence through the north-west corner of plot 60 of section II, along the western boundaries of plots 60 and 103 of section II and along the southern boundary of plot 103 of section II to survey beacon B84; then southerly through plot 98 of section II and through survey traverse beacon 570 to survey beacon URL on the southern boundary of plot 271 of section II; thence through the NE. corner of plot 38 of section II in a southerly direction along the western boundary Sheriffbhai Street to its junction with the Kilindini Road; thence westerly along the northern boundary of Kilindini Road to the SW. corner of plot 57 of section I; thence along a straight line running due west to high-water mark in Kilindini Harbour and thence northerly along high-water mark to the NW. corner of plot 23 section III, the point of commencement.

3. No person shall erect any building intended, adapted or designed to be used as a hide and skin godown in any part of the Municipality of Mombasa except in the hide and skin godown area; and no person shall use any existing building or part of an existing building in the Municipality of Mombasa as a hide and skin godown unless such building or part of a building is situated in the hide and skin godown area:

Provided that, subject to the provisions of rules 4, 5, 6 and 7, the provisions of this rule shall not apply to the use of an existing building or part of an existing building as a hide and skin godown where such building or part of a building, although not situated in the hide and skin godown area, is in use as a hide and skin godown at the commencement of these Rules.

4. (1) Where, at the commencement of these Rules, any existing building or part of an existing building, not situated in the hide and skin godown area, is in use as a hide and skin godown, the owner of such building or part of a building or the person using such building or part of a building as a hide and skin godown may, within a period of thirty days from the commencement of these Rules, make written application to the District Commissioner for a certificate of registration in respect of such premises as a hide and skin godown, whereupon the District Commissioner shall issue a certificate of registration in respect of such premises as a hide and skin godown.

**[Subsidiary]**

(2) The District Commissioner, on the expiration of such period, may, in his discretion, refuse to register any such premises as aforesaid as a hide and skin godown where application for a certificate of registration as a hide and skin godown in respect of such premises has not been made within such period.

5. No certificate of registration as a hide and skin godown in respect of any such premises as are described in paragraph (1) of rule 4 shall be issued unless and until a certificate in writing has been issued by the local authority that it has no objection.

6. Every certificate of registration as a hide and skin godown issued in respect of any premises not situated within the hide and skin godown area shall be for a period of six months only, and a fee of two shillings shall be paid to the District Commissioner in respect of every such certificate of registration issued.

7. No person shall use any building or part of a building not situated within the hide and skin godown area as a hide and skin godown unless and until a current certificate of registration as a hide and skin godown in respect of such premises has been issued by the District Commissioner.

8. Any person who uses any building or part of a building as a hide and skin godown so as to contravene any of the provisions of these Rules shall be guilty of an offence and liable to a fine not exceeding five hundred shillings and, if a continuing offence, to a daily fine not exceeding forty shillings for each day during which the offence continues.

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**PUBLIC HEALTH (KISUMU STORAGE OF HIDES AND SKINS) RULES**

[Cap. 130 of (1948), Sub. Leg.]

1. These Rules may be cited as the Public Health (Kisumu Storage of Hides and Skins) Rules, and shall apply to the Municipality of Kisumu.

2. In these Rules—

“**hides and skins**” means the hide or skin of any animal whatsoever;

“**hides and skins godown**” means any building or part of a building used, or adapted, or designed to be used, for the storage, examination or packing of dry hides and skins;

“**hides and skins godown area**” means and includes that area in Kisumu Municipality north-west of the Indian Bazaar, Section LXVIII, Plots No. 1 to No. 18 on Land Office Plan No. 24699, and also Section LV/I B.E.A. Corporation Ginnery site and Section LV/II, both on Plan No. 24699.

3. No person shall erect any building intended, adapted or designed to be used as a hides and skins godown in any part of the Municipality of Kisumu, except in the hides and skins godown area; and no person shall adapt any existing building or part of a building in the Municipality of Kisumu as a hides and skins godown unless such building or part of a building is situated in the hides and skins godown area.

4. After the expiry of a period of twelve months from the sale or the offering for sale of any or all of the plots in the hides and skins godown area, no person shall use any building or part of a building as a hides and skins godown unless such building or part thereof is situated in the hides and skins godown area.

5. Any person who contravenes any of the provisions of these Rules shall be guilty of an offence and liable to a fine not exceeding five hundred shillings and, if a continuing offence, to a daily fine not exceeding forty shillings for each day during which the offence continues.



**PUBLIC HEALTH (TENTS AND CARAVAN SITES) RULES, 1960**

[L.N. 128/1960, L.N. 484/1962.]

1. These Rules may be cited as the Public Health (Tents and Caravan Sites) Rules, 1960, and shall apply to such areas as the Minister may, by notice in the *Gazette*, direct.

2. In these Rules, unless the context otherwise requires—

“**occupier**”, in relation to a tent or caravan, includes any person who for the time being is in charge thereof;

“**offensive matter**” includes both liquids and solids;

“**owner**”, in relation to land, includes any person or agent acting on his behalf for the time being in direct control of the site whether he lives on the site or not;

“**owner**”, in relation to a tent or caravan, means the person who owns the tent or caravan and includes any person or agent acting on his behalf.

3. (1) No tent shall be pitched, and no caravan shall be parked, for human habitation on any land unless the owner of the land is the holder of a licence issued under these Rules by the local authority after approval of suitable plans submitted by the owner, except in the case of a single tent pitched, or a single caravan parked, for human habitation on a plot containing a dwelling-house where—

- (a) the owner of the land has notified the local authority of such pitching and parking; and
- (b) the length of time during which any tent is pitched or caravan parked for habitation anywhere within the plot does not exceed a total of thirty days in any one year.

(2) Where any tent is pitched or caravan parked for human habitation on any land in contravention of paragraph (1), the owner of the land and the owner of the tent or caravan shall each be guilty of an offence.

4. Every application for a licence under these Rules shall be in such form as the local authority may require, and shall be accompanied by suitable plans submitted by the owner of the land showing the situation in which it is proposed to pitch each tent and park each caravan, details of the facilities which it is intended to provide under these Rules and such other particulars as the local authority may require, and except with the written permission of the local authority no tent may be pitched and no caravan parked for human habitation otherwise than as shown in the plan submitted under this rule and approved by the local authority.

5. Before applying for a licence, the owner shall advertise his intention so to apply, giving such particulars as will enable neighbouring occupiers to ascertain whether they will be affected by the proposal to which the application relates, in at least one newspaper circulating in the area and in any other publication which the local authority may determine, and the local authority shall give reasonable opportunity to all persons affected by the proposal, to raise objections thereto, and, in deciding whether to issue a licence, the local authority shall have regard to all objections made.

6. The local authority shall refuse a licence if—

- (a) the proposed site is not adequately drained;
- (b) the proposed site is unsuitable for tents or caravans;
- (c) the proposal would be contrary to the planning or proposed planning of the area;

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**[Subsidiary]**

- (d) there are in the opinion of the local authority already sufficient suitable sites existing and licensed in the area;
- (e) the local authority is not satisfied that the applicant intends or is able fully to discharge his obligations under these Rules;
- (f) the local authority is not satisfied that the applicant has provided adequate sanitary facilities, water supply and ablution arrangements on the land;
- (g) the local authority is of the opinion that, in view of the objections of persons affected by the proposal, the application should not be granted;
- (h) the site has not been approved under any law for the time being relating to town and country planning.

[L.N. 484/1962, r. 2.]

**7.** (1) Licence shall be valid for a period of one year, and shall be in such form as the local authority may decide.

(2) Licences may be renewed from time to time by the local authority if it is satisfied that the licensee has observed the provisions of these Rules.

(3) A fee of ten shillings shall be charged by the local authority for every licence issued and for every renewal thereof.

**8.** The local authority may, at any time on giving not less than forty-eight hours' notice thereof to the owner of the land, revoke a licence if it is satisfied that the provisions of these Rules are not being observed, without prejudice to any prosecution for an offence under these Rules.

**9.** (1) No tent shall be pitched, and no caravan shall be parked, for human habitation, so that—

- (a) the area of land surrounding the tent or caravan (including the land on which it stands) and available for the exclusive use of the occupier of the tent or caravan is less than one-twentieth of an acre;
- (b) any two tents or caravans or any tent and caravan are less than twenty feet apart; or
- (c) any tent or caravan is less than twenty feet distant from the boundary of the plot.

(2) The owner of any land on which a tent is pitched or a caravan parked for human habitation in contravention of paragraph (1) of this rule shall be guilty of an offence.

**10.** (1) The occupier of a tent or caravan used for human habitation shall whenever it is so used—

- (a) cause all offensive matter to be removed therefrom at least once a day;
- (b) cause every vessel, utensil or other receptacle used for holding or removing any offensive matter to be cleansed immediately after it is emptied;
- (c) not deposit or cause to be deposited any offensive matter within forty feet of the tent or caravan or of any dwelling-house except in a proper receptacle, pit or trench provided for that purpose and within the area in respect of which a licence under these Rules has been issued;
- (d) not deposit or cause to be deposited any offensive matter or any litter or rubbish in any place so as to cause a nuisance or annoyance;
- (e) deposit all refuse or litter in a suitable covered receptacle or place which he shall provide for that purpose;
- (f) keep in a wholesome condition any sanitary accommodation provided;

## [Subsidiary]

- (g) cause its floor and internal surface to be cleaned as often as may be necessary having regard to their nature.

(2) Any person who contravenes any of the provisions of paragraph (1) of this rule shall be guilty of an offence.

**11.** (1) The owner or occupier of any tent or caravan used for human habitation and the owner of the land who is aware that any inhabitant thereof is suffering from any infectious disease shall report such disease to the medical officer of health of the area and shall take all the precautions ordered by the medical officer of health for preventing the spread of disease.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence.

**12.** (1) The owner of a tent or caravan used for human habitation shall to the satisfaction of the medical officer of health—

- (a) provide it with suitable dry flooring;
- (b) maintain it in good repair and order;
- (c) maintain any sanitary accommodation provided in or to such tent or caravan for the use of the occupants;
- (d) keep the tent or caravan in a state of good repair;
- (e) keep it reasonably weatherproof;
- (f) provide it with adequate means of ventilation;
- (g) take all necessary measures to keep the land free from vermin.

(2) Any person who contravenes any of the provisions of paragraph (1) of this rule shall be guilty of an offence.

**13.** (1) The owner of a tent or caravan used for human habitation shall, if owing to the occurrence of any infectious disease the medical officer of health orders the removal of the tent or caravan from the plot, remove it within forty-eight hours of being ordered to do so to some other place within the district to which it may lawfully be removed but nevertheless shall not without the consent of the medical officer of health remove the tent or caravan from any plot until it has been disinfected or disinfested as may be necessary to the satisfaction of the medical office of health.

(2) Any person who contravenes any of the provisions of paragraph (1) of this rule shall be guilty of an offence.

(3) Without prejudice to the prosecution of a person under this Rule, the local authority may, if the owner fails to remove the tent or caravan within the time prescribed, cause the tent or caravan to be removed, and may recover from the owner the expense in so doing, and if the owner is prosecuted for and convicted of an offence under this rule the Court before which he is convicted may order him to repay such expenses to the local authority.

**14.** (1) The owner of any tent or caravan which is let furnished shall maintain all fixtures, fittings, utensils and articles let therewith in a good, clean and hygienic condition to the satisfaction of the medical officer of health.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence.

**15.** The owner of any land who allows any tent to be pitched or any caravan to be parked thereon and to be used shall—

- (a) provide on the site, in a suitable situation accessible to all occupiers, sanitary and ablution accommodation with adequate and suitable piped water supply, of such extent, situation and type as shall satisfy the medical officer of health;

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**[Subsidiary]**

- (b) provide means of disposal of waste water to the satisfaction of the medical officer of health, where the medical officer of health considers this necessary having regard to all the circumstances;
- (c) provide means for the effective disposal of all refuse to the satisfaction of the medical officer of health;
- (d) provide an adequate supply of water from a source approved by the medical officer of health, and a supply of potable piped water at a rate of not less than five gallons per head per day;
- (e) provide water stand-pipes connected to piped water supplies in sufficient numbers and in situations convenient to the occupiers;
- (f) provide an adequate and accessible storage receptacle or receptacles for potable water and keep them in good repair, clean and properly covered to the satisfaction of the medical officer of health;
- (g) keep all ditches, hedgerows and bushes clean of any litter or refuse;
- (h) provide and maintain a register of the names and addresses of all persons occupying tents or caravans on the site and the names and addresses of the owners of all tents and caravans on the site, and keep such register open to inspection by any authorized officer of the local authority at all reasonable times;
- (i) provide to the satisfaction of the local authority a means of access to and from the site;
- (j) ensure that no converted bus bodies or similar structures are permitted on the site, and that all caravans on the site are properly mounted on wheels and capable of being towed;
- (k) not keep or suffer to be kept on such land any animals other than domestic dogs and cats except with the written permission of the local authority;
- (l) provide, to the satisfaction of the medical officer of health, a suitable hard standing, of impervious material, for each tent or caravan:

Provided that, in the case of a camp established for the temporary use of national or international organizations of a public nature approved by the Minister in that behalf by notice in the *Gazette*, the local authority, on the advice of the medical officer of health, may waive all or any of the requirements of this Rule.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence against these Rules.

**16.** Any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding one thousand shillings and to a further fine not exceeding one hundred shillings for each day during which he is in default after notice from the medical officer of health or from the local authority.



**BY-LAWS UNDER SECTION 126A**

[L.N. 137/1965, Corr. No. 43/1965.]

*These By-laws are not reproduced, since they are of local application. They may be found in—*

*City of Nairobi (Building) (Amendment) By-Laws, 1965*

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**PUBLIC HEALTH (MILK AND DAIRIES) RULES**

## ARRANGEMENT OF RULES

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**PUBLIC HEALTH (MILK AND DAIRIES) RULES**

[Cap. 130 of (1948), Sub. Leg. L.N. 260/1956, L.N. 138/1959, L.N. 93/1960, L.N. 294/1979.]

**RULES UNDER SECTION 134****1. Citation**

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

**2. Application**

The Minister may, by notice in the *Gazette*, declare that on and after a specified date the whole of these Rules, or specified provisions thereof, shall apply to the whole or a specified part of the district of any local authority (hereinafter referred to as the local authority).

[L.N. 138/1959, r. 2.]

**3. Interpretation**

In these Rules—

“**common carrier**” means any person, including any government railway administration and any railway company, engaged in the business of transporting for hire property from place to place by land or inland navigation for all persons indiscriminately;

“**cowshed**” means any shed, stable or other premises in which a cow or cows are kept or accommodated;

“**purveyor of milk**” means any person, other than the Government, in possession or occupation of or keeping any dairy, or who sells milk or exposes, deposits or conveys milk for the purpose of sale, or who delivers milk or causes milk to be delivered for or in the process of sale, whether on private premises or in any street or other public place, and whether on his own account or as agent for or servant of any other person;

“**registered dairy**” or “**registered premises**” means any premises, or part thereof, in respect of which a certificate of registration of such premises or part thereof as a dairy has been issued by the local authority;

“**registered dairyman**” means any person to whom a certificate of registration of any premises as a dairy has been issued by the local authority;

“**sanitary inspector**” means a sanitary inspector in the employment of the Government and appointed by the Director of Medical Services to act as such within the district of the local authority.

**4. Dairies to be registered**

(1) No person shall, within the district of the local authority, use any premises as a dairy unless such premises have been first registered by such local authority as a registered dairy and unless such person is in possession of a certificate to that effect in force and current for the time being which has been issued to him by such local authority; and any person using any premises as a dairy within the district of such local authority without having the same first registered as such and without being in possession of a certificate as aforesaid shall be guilty of an offence.

(2) For the purposes of these Rules, the person by whom the business of a dairy is actually being carried on and supervised on any premises shall be deemed to be the person using such premises as a dairy.

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[Subsidiary]

#### **5. Local authority may register dairy outside district**

The local authority may, if it thinks fit and subject to the provisions of these Rules, issue a certificate of registration as a dairy in respect of any premises situate outside its district, where the person by whom the business of dairy is actually being or is to be carried on and supervised on such premises makes written application to the local authority for a certificate of registration of such premises as a dairy:

Provided that every such written application for a certificate of registration as a dairy of any premises situate outside the district of the local authority shall be accompanied by the consent in writing of the applicant and of the owner of such premises to the inspection at all reasonable times by the medical officer of health or a sanitary inspector or any duly authorized officer of the local authority of such premises, and to be subject to and observe and comply with such provisions of these Rules and to such other rules and regulations of the local authority as the local authority on the report of the medical officer of health may consider necessary.

#### **6. Provisions as to certificates of registration**

(1) Every certificate of registration of any premises as a dairy issued under these Rules shall expire on the 31st December of the year for which it has been granted:

Provided that the local authority issuing such certificate of registration shall have the option in any case to grant such certificate for a period of six months, which shall be valid till the 30th June or, if issued after the 30th June, till the 31st December, next following its date only.

(2) In respect of every certificate of registration of any premises as a dairy issued under these Rules, a fee shall be payable to the local authority; the fee for a certificate of registration for a period of six months shall be five shillings and for an annual certificate of registration ten shillings.

(3) A certificate of registration of any premises as a dairy shall not be issued to any person other than the person by whom the business of a dairy is actually to be carried on and supervised upon such premises, and a certificate so issued shall not be transferable from the person to whom it was issued to any other person without the previous permission in writing of such local authority, and no such certificate permission shall in any case be transferable from the premises in respect of which it was granted to any other premises.

#### **7. Application for registration**

Every person desiring a certificate of registration of any premises as a dairy under these Rules shall make application to the local authority of the district in which such premises are situate, either in writing or otherwise, and shall supply the following information on request—

- (a) the name, address and occupation of the applicant;
- (b) the situation of the premises in respect of which the certificate of registration is desired;
- (c) a full description and particulars of the premises;
- (d) any other information required by such local authority or medical officer of health.

#### **8. Form of certificate of registration**

The certificate of registration of any premises as a dairy issued under these Rules shall be in such as shall from time to time be determined by the local authority, and shall specify—

- (a) the name of the person to whom the certificate of registration is issued;

- (b) the situation of the registered premises;
- (c) the number of cowsheds (if any);
- (d) the maximum number of cows allowed in each cowshed at any one time;
- (e) the date when such certificate of registration expires.

#### 9. Premises to be suitable

No certificate of registration of any premises as a dairy shall be issued by the local authority to any person unless the premises in respect of which a certificate of registration is applied for are, in the opinion of the local authority on the report of the medical officer of health, suitable for the purpose of such registration in respect of drainage, lighting, ventilation, locality, construction, accommodation and general sanitation, and unless the requirements of these Rules and all such other regulations, orders or rules as may be applicable to dairies are complied with in respect of the premises to be used as a dairy:

Provided that notwithstanding anything contained in these Rules it shall be lawful for the local authority, on the report of the medical officer of health, to relax such provisions of these Rules as it may deem fit, with respect to premises from which milk is not supplied otherwise than in receptacles which are properly closed and sealed on delivery to the premises and which remain properly closed and sealed during the whole time from their delivery to the premises until their removal by the purchaser.

#### 10. Dairy and cowshed requirements

No certificate of registration of any premises as a dairy under these Rules shall be issued by the local authority unless the following are provided, and after the issue of such certificate of registration there shall at all times during the period thereof be provided and maintained by the registered dairyman—

##### *Ventilation of cowsheds*

- (a) with respect to any cowshed—
  - (i) proper and effective ventilation of such cowshed by means of a sufficient number of ventilating apertures of adequate size and suitable construction in the proportion of not less than three square feet of ventilating aperture per animal;

##### *Lighting of cowsheds*

- (ii) proper and effective lighting of such cowshed in the proportion of three square feet per animal by means of unobstructed windows, cap-able of being fully opened, and so placed as to secure proper lighting of every part of such cowshed;

##### *Air and floor space in cowsheds*

- (iii) in such cowshed for each animal an air space of not less than five hundred cubic feet and a floor space of not less than fifty square feet, and such internal arrangements as ensure that all animals accommodated therein may be kept in clean and healthy conditions;

##### *Floors of cowsheds*

- (iv) when so required by the local authority, an impervious floor of cement concrete, or other equally suitable material, or of stone set in mortar with joints grouted and flushed level with cement, such floor to be properly graded to a manure channel, not less than twelve inches wide and from four to six inches deep, with rounded corners, and with a fall in the floor of the channel towards the outlet of two inches in every ten feet;

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**[Subsidiary]***Drainage of cowsheds*

- (v) when so required by the local authority, for the reception and carrying off of the liquid manure of such cowshed, a properly trapped gully fixed outside such cowshed and connected to a public sewer, where such is available, and where such is not available drain the liquid manure shall be carried off by a suitable drain or pipe, and adequately and efficiently disposed of without creating a nuisance and to the satisfaction of the medical officer of health, the junction of the manure channel and the said drain or pipe being suitably protected;

*Milking room or enclosure for cowsheds*

- (vi) when so required by the local authority, a room or suitable enclosure in which to milk cattle, such room or enclosure to be adequately protected against dust, to be well lighted and ventilated, to be provided with an impervious floor suitably graded towards a satisfactory outlet, and to be adequately and efficiently drained;

*Manure receptacle for cowsheds*

- (vii) when so required by the local authority, a suitable receptacle in which to deposit manure and other refuse, which shall be at least fifty feet distant from any milking shed, milk store or place in which milk vessels or utensils are stored and from any dwelling, such receptacle, when so required by the local authority, to be effectively protected against flies;

- (b) with respect to all dairies—

*Wholesome and adequate water supply for dairies*

- (i) a wholesome and conveniently accessible water supply in sufficient quantity for all purposes connected with such dairy, including the cleansing of all utensils and appliances;

*Impervious floor for dairies*

- (ii) when so required by the local authority, an impervious floor to the whole or any part of such dairy premises constructed to the satisfaction of the local authority;

*General requirements for dairies*

- (iii) proper and sufficient lighting and ventilation and proper accommodation and arrangements for safeguarding the milk and milk products from contamination by flies, vermin, dust or other impurities;

*Storage for milk vessels*

- (iv) suitable and sufficient accommodation outside any dwelling or cowshed, stable or other place where animals are accommodated, for the washing and storing when not in use of all milk receptacles and dairy utensils;

*Sterilizing of milk vessels*

- (v) suitable apparatus and arrangements for the sterilizing of all bottles, cans and other receptacles for milk, and dairy utensils;

*Store room for milk*

- (vi) when so required by the local authority, a room, known as a milk room, to be used solely for the purpose of straining, bottling, canning or keeping therein milk and clean milk vessels only; such room to be



## [Subsidiary]

adequately protected against dust and effectively protected against flies, and to be provided with an impervious floor properly graded to a suitable outlet;

*Drainage of dairies*

- (vii) proper, sufficient and effective drainage of such premises;

*Refuse bin to be provided.*

- (viii) a proper and sufficient refuse bin fitted with a good and efficient lid of such a pattern and constructed of such materials as meet with the approval of the local authority;

*Accommodation and facilities for persons living or working in dairies*

- (ix) suitable and sufficient housing, washing and sanitary accommodation for any person or persons living in or employed on such dairy premises.

**11. Milk not to be deposited in place where liable to become infected or contaminated**

No registered dairyman shall, upon his registered premises, deposit, store or keep or permit to be deposited, stored or kept, any milk intended for sale—

- (a) in any room or place where such milk would be liable to become infected or contaminated by impure air, or by any offensive, noxious or injurious gas, emanation, exhalation, effluvium or substance;
- (b) in any room used as a kitchen or as a living, sleeping or work room;
- (c) in any room or building or part of a building communicating directly, by door, window or otherwise, with any sanitary convenience or urinal, or with any room used as a sleeping room or in which there may be any person suffering from any infectious or contagious disease, or which may have been used by any person suffering from any such disease and which may not have been properly disinfected thereafter to the satisfaction of the medical officer of health;
- (d) in any room or building or part of a building in which there may be any direct inlet to any sewer, drain or cesspool;
- (e) in any milk vessel not properly covered so as effectually to prevent the contamination of the milk contained therein; or
- (f) in any milk vessel which has not been thoroughly cleansed and sterilized since the last occasion of use and which is not in a thoroughly clean condition at the time of use.

**12. Permitted number of cows to be painted on the doors of cowshed**

In the case of any cowshed connected with a registered dairy, the registered dairyman shall paint and maintain, or cause to be painted or maintained, on the door or on the outside wall and close to the door of every cowshed, in legible figures not less than three inches square, the maximum number of cows permitted by his certificate of registration to be stabled or accommodated in such cowshed at any one time, and no registered dairyman shall stable or accommodate or permit to be stabled or accommodated in any such cowshed on his registered premises any bovine in excess of the maximum number of cows as specified in his certificate of registration permitted to be stabled or accommodated in such cowshed.

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**[Subsidiary]****13. Dairies not to communicate with bedrooms, etc.**

No dairy shall communicate directly with any bedroom, sanitary convenience or urinal, and no dairyman shall use or permit to be used such dairy for keeping, storing, purveying or selling kerosene oil, fish or any other substance which, in the opinion of the medical officer of health, would be injurious to the milk or milk products.

**14. Thorough cleanliness to be maintained in dairies**

Every registered dairyman shall, upon his registered premises—

- (a) at all times maintain the whole of his registered premises in a thorough state of cleanliness and ventilation;
- (b) cause the floor of every cowshed, and the floor of every room or enclosure in which milk or milk products are deposited, stored or sold, or in which milk vessels or utensils are stored, to be thoroughly cleansed before ten o'clock in the morning of each day and every day;
- (c) cause every place and the surroundings thereof where milking takes place to be kept in a thorough state of cleanliness, and cause adequate precautions to be taken to prevent contamination of milk by flies, dust or otherwise;
- (d) cause the manure from any cowshed to be removed at least twice in every twenty-four hours from such cowshed, and cause the manure so removed from such cowshed to be entirely removed from his registered premises at least once in every forty-eight hours and suitably disposed of;
- (e) cause adequate measures to be taken to prevent liquid manure from overflowing on to or saturating the ground under or around any cowshed;
- (f) cause the ceiling or inner surface of the roof (except a roof constructed of a material such as to render lime-washing unsuitable), exposed roof-timber, posts and stalls, and the inner surface of every wall of such dairy, including any cowshed (excepting so much as may be painted or tarred or covered with a material such as to render lime-washing unsuitable and as may be otherwise properly cleansed), to be thoroughly cleansed down and then lime-washed at least four times in each year, viz., in the months of January, April, July and October, and at such other time as may be required by the medical officer of health, and cause all ceilings, walls and ledges of such premises to be swept down and kept free from dust, dirt and cobwebs at all times;
- (g) cause all vessels, utensils and appliances used in such dairy, including any cowshed, to be kept in good repair and effectively clean to the satisfaction of the medical officer of health, and for the latter purposes to be cleaned and sterilized in accordance with the following provisions, and to be stored in such manner to remain clean until used—
  - (i) all vessels, utensils and appliances shall, as soon after use as is practicable, be thoroughly rinsed and washed with or without detergents and, before use again, shall be scalded with boiling water or steam or otherwise effectively cleansed with a chemical agent approved by the Minister;
  - (ii) if any agent or detergent has been used for cleansing any vessels for milk, dairy utensils or appliances, the person using such agent or detergent shall use all reasonable precautions to remove all trace thereof from such vessels or milk and dairy utensils, before they are again brought into contact with milk;

## [Subsidiary]

- (h) take all proper and necessary precautions for preventing the infection of contamination by dust, dirt, flies, vermin, effluvia or otherwise of any milk or milk product, produced, stored, kept or deposited in such dairy, including any cowshed.

[L.N. 193/1960, r. 3.]

**15. Requirements as to premises**

Every registered dairyman shall comply with the following requirements upon his registered premises—

*No sleeping or birds, etc., in dairies or cowsheds*

- (a) he shall not use or permit to be used any cowshed, or any room or rooms used or adapted to be used for the keeping or storing of milk, milk products or milk vessels or utensils, as a sleeping apartment for any human being or for the accommodation of any poultry, pigeons or other birds, or for any purposes injurious to the proper preservation of the cleanliness of the building or of the milk, milk products or milk vessels or utensils therein or in any manner likely to cause contamination of milk or milk products;

*Keeping milk in cowsheds, etc.*

- (b) he shall not keep or store or permit to be kept or stored any milk or milk products in any cowshed or stable;

*Milk to be removed forthwith*

- (c) he shall, immediately after the process of milking, forthwith remove or cause to be removed all milk to a proper milk room or such other room or place as has been provided and adapted for the storage of milk;

*Milk bottles not to be filled in cowsheds, etc.*

- (d) he shall not fill or permit to be filled in any cowshed, stable or sleeping apartment any bottle, vessel or container intended for use in distributing or purveying milk;

*Only bovines to be kept in cowsheds*

- (e) he shall not use or permit to be used any cowshed for the keeping therein of animals other than bovines, and each bovine, so far as air space is concerned, shall count as a cow for the purposes of these Rules;

*Accommodation to be kept clean*

- (f) he shall cause all housing, washing and sanitary accommodation provided for or used by any person or persons living or employed on such dairy premises to be maintained at all times in a clean and sanitary condition;

*No grooming or sweeping during milking*

- (g) he shall not carry out or permit to be carried out in any cowshed any grooming or sweeping or any feeding with dusty forage while, or immediately before, milking is in progress;

*No swine to be kept within one hundred feet of a dairy*

- (h) he shall not keep or permit to be kept any swine within one hundred feet of any dairy or any cowshed or dwelling upon such registered premises, and when a swine is kept on the said premises beyond that distance he shall cause the styes and such other accommodation as may be provided for such swine to be maintained in a thoroughly clean and sanitary condition, and the drainage therefrom shall be disposed of in such manner as is approved by the medical officer of health;

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**[Subsidiary]***Abstract of rules to be exhibited*

- (i) he shall, if so required by the local authority, affix or cause to be affixed and maintained in such registered premises in a conspicuous and easily accessible place a copy of these Rules or any prescribed abstract thereof which may be supplied to him for that purpose by the local authority;

*Grooming of cows, etc.*

- (j) he shall ensure that all cows kept by him are groomed daily and kept free from accumulation of manure, mud or other filth;

*Hairs on flanks, etc., to be clipped*

- (k) he shall ensure that the long hairs upon the flanks, udders and tails of all cows kept by him are clipped and kept short;

*Udders to be washed*

- (l) he shall ensure that the udders and teats of all cows kept by him are washed clean and dried with a clean cloth immediately before milking, and that the first stream from each teat is rejected;

*Provision for washing hands*

- (m) he shall provide and keep or cause to be provided and kept at all times on such registered premises a receptacle for clean water, and also soap and a nailbrush for the purpose of cleansing the hands of every person employed or engaged in milking cows, or in handling, conveying or selling milk;

*Cleanliness of hands and clothing whilst milking*

- (n) he shall ensure that every person who milks a cow on such premises washes his hands with soap and clean water, using a nailbrush, immediately before commencing to milk such cow, and wears a clean overall of a type to be approved by the medical officer of health, whilst so employed, or is clad solely in a pair of clean shorts or trousers;

*Cleanliness of hands and clothing whilst handling milk*

- (o) he shall ensure that every person employed or engaged on such premises in handling, conveying or selling milk is clean as to his person, hands and clothing whilst so employed or engaged.

**16. Occurrence of certain diseases in cattle to be notified**

Every dairyman shall forthwith notify or cause to be notified to the local authority in respect of any cows or other animals in or on his dairy premises the occurrence recently or at the time being in any such cow or other animal of any infectious or contagious disease or any disease of, inflammation of, swelling of or discharge from the udder, or any general wasting disease.

**17. Local authority may cancel certificate of registration in certain cases**

(1) If, at any time during the currency of a certificate of registration of any premises as a dairy issued under these Rules, the sanitary conditions of the premises in respect of which it has been issued are found to be such as are likely to render the milk liable to contamination or infection in such a way as to be dangerous to the health of the consumers, or in the opinion of the medical officer of health of the registered dairyman is not carrying out any of the provisions of these Rules, the local authority by whom the certificate of registration of such premises was issued may forthwith cancel such certificate of registration, and refuse to issue a new certificate until the premises in respect of which it was issued have been cleansed or placed in good sanitary condition, or until the provisions of these Rules have been complied with.

(2) Such local authority may in like manner cancel the certificate of registration if the milk is purveyed or delivered or distributed or conveyed from such premises in or into the district of such local authority under conditions which render the milk liable to contamination or infection, and may refuse to issue a new certificate until such conditions have been rectified.

(3) Such local authority also may cancel the certificate of registration if the registered dairyman refuses to allow any duly authorized officer to make an inspection of the premises at any time during the currency of such certificate of registration, in accordance with these Rules.

#### **18. Milk purveyors to be licensed**

No person shall, within the district of the local authority, carry on or be engaged in the trade or business of a purveyor of milk without being first licensed as such and in possession of a certificate to that effect in force and current for the time being from such local authority, and any person who carries on or is engaged in the trade or business of a purveyor of milk within the district of the local authority without complying with the provisions of this rule shall be guilty of an offence:

Provided that, notwithstanding anything contained in these Rules, a person may convey milk through the district of such local authority without being licensed as aforesaid where such person proves to the satisfaction of such local authority that the milk so conveyed is not for sale and not intended for sale within the district of such local authority, or that he is conveying milk within the district solely in the capacity of a common carrier.

#### **19. Licensed purveyor of milk to carry certificate of licence**

(1) Every licensed purveyor of milk shall carry upon his person his certificate of licence as a purveyor of milk whilst in any manner engaged in his business as a purveyor of milk, and every licensed purveyor of milk shall, on request being made to him by the medical officer of health or a sanitary inspector or any duly authorized agent of such official or any duly authorized officer of the local authority, or any police officer of or above the rank of Inspector, exhibit to any such officer or agent as aforesaid, for the purpose of inspection, his certificate of licence as a purveyor of milk.

(2) Every licensed purveyor of milk who fails to carry upon his person his certificate of licence as aforesaid, or who omits or refuses to exhibit his certificate of licence when requested as aforesaid, shall be guilty of an offence.

#### **20. Provisions as to certificates of licence**

(1) Every certificate of licence issued to any person as a purveyor of milk under these Rules shall expire on the 31st December of the year for which it has been granted.

(2) A fee of one shilling shall be payable to the local authority in respect of every certificate of licence as a purveyor of milk issued under these Rules.

(3) No certificate of licence as a purveyor of milk shall in any case be transferable from the licensee to any other person, and such certificate shall only be valid in the district of the local authority issuing such certificate of licence.

#### **21. Application for certificate of licence**

(1) Every person desiring a certificate of licence as a purveyor of milk under these Rules shall make personal application to the medical officer of health of the district in which he intends to carry on the trade or business of a purveyor of milk, and shall supply the following information on request—

- (a) the name, address and occupation of the applicant;
- (b) the name and address of the person (if any) by whom he is employed or to be employed as a purveyor of milk;

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**[Subsidiary]**

- (c) the source of the applicant's intended milk supply;
- (d) the name and address of the person, if any, from whom the applicant intends to purchase his milk supply;
- (e) any other information required by the medical officer of health.

(2) Every such applicant shall, if so required by the medical officer of health, submit himself to a medical examination.

**22. Form of certificate of licence**

The certificate of licence of any person as a purveyor of milk issued under these Rules shall be in such form as shall from time to time be determined by the local authority, and shall specify—

- (a) the name of the person, including his registration number under the Registration of Persons Act (Cap. 107) (if any), to whom the certificate of licence is issued;
- (b) the name and address of the person (if any) by whom he is employed or to be employed as a purveyor of milk;
- (c) any endorsement as to change in condition of employment as a purveyor of milk;
- (d) the date when such certificate of licence expires.

**23. Licensed purveyors of milk must report changes as to employment**

(1) Every licensed purveyor of milk shall, in the event of the occurrence of any of the following circumstances in the carrying on of his trade or business as a purveyor of milk, at once report the same to the local authority issuing his certificate of licence—

- (a) any change of employer;
- (b) any change from the condition of a purveyor of milk as an employee to that of a purveyor of milk on his own account;
- (c) any change from the condition of a purveyor of milk on his own account to that of a purveyor of milk as an employee.

(2) On the report of any licensed purveyor of milk, to such local authority, of the occurrence of any of the circumstances as are hereinbefore provided, such local authority shall cause the certificate of such licensee to be endorsed accordingly, and any licensed purveyor of milk who fails to report to such local authority the occurrence of any of the aforesaid circumstances, or who continues to carry on the trade or business of a purveyor of milk without having his certificate of licence endorsed in accordance with these Rules, shall be guilty of an offence.

**24. Purveyor of milk to be healthy**

No certificate of licence of any person as a purveyor of milk shall be issued by the local authority to any person where the medical officer of health has certified in writing that the applicant for such a certificate is not a fit and suitable person, on medical grounds, to be engaged in the trade or business of a purveyor of milk, or where such applicant has refused to submit himself for medical examination when so required by the medical officer of health.

**25. Delivery vehicles**

Every licensed purveyor of milk who himself or by his servant sells or distributes or delivers for sale or in the process of sale milk from any vehicle or any carrier shall have conspicuously inscribed on such vehicle or carrier his name and address, and he shall

further cause such vehicle or carrier to be kept in a thoroughly clean condition, and shall not use it or permit it to be used for any purpose which may lead to the contamination or infection of the milk carried or conveyed therein.

#### **26. Local authority may cancel certificate of licence in certain cases**

If, at any time during the currency of a certificate of licence to any person as a purveyor of milk issued under these Rules, the person to whom the certificate of licence has been issued—

- (a) makes default in complying with any of the provisions of these Rules relating to purveyors of milk;
- (b) when required by any duly authorized officer to supply information which, by virtue of his office and the powers conferred upon him under these Rules, such officer is entitled to require, withholds or refuses such information or knowingly gives false or misleading information;
- (c) is certified by a medical officer of health to be not a fit and proper person, on medical grounds, to be engaged in the trade or business of a purveyor of milk; or
- (d) refuses to submit himself to a medical examination when so required by the medical officer of health,

the local authority issuing such certificate of licence may cancel the same and refuse to issue a new certificate.

#### **27. Surplus milk from one or two milch cows sold to immediate neighbours**

Nothing contained in rules 4 and 18 shall be deemed to apply to any person selling or supplying to his immediate neighbours the surplus milk of any milch cows kept for the production of milk for his own use and consumption, where such person keeps not more than two such cows.

#### **28. Certain milk not to be sold**

No dairyman, and no purveyor of milk, shall sell or prepare, expose, deposit, convey, deliver or mix with any other milk, or permit to be prepared, exposed, deposited, conveyed or delivered or mixed with any other milk for sale, milk—

- (a) which has been or is likely to have been contaminated or exposed to any infection or is in a condition likely or liable to prove unwholesome or injurious or dangerous to the health of man;
- (b) when presenting any marked deviation from the normal composition or ordinary characters or appearances as regards colour, odour, taste or general conditions;
- (c) when produced by any animal manifestly the subject of constitutional, acute or infectious or contagious disease, or suffering from any disease of, inflammation of, swelling of or discharge from the udder, or any general wasting disease, or by any animal not completely recovered from the febrile state and other conditions incidental to parturition; or
- (d) when produced by any animal at the time being or recently in any cowshed or on any premises in which any animal is suffering or has recently suffered from any infectious or contagious disease, or from any animal which has otherwise recently been exposed to the infection of any such disease, whether such animal is so suffering or not, until such time as the medical officer of health certifies in writing that such milk is not likely to be unwholesome, injurious or dangerous for human consumption.



[Subsidiary]

**29. Use of infected milk for feeding animals**

Nothing contained in rule 28 shall be taken as preventing the use of any such milk for the purpose of feeding animals, provided that such milk has in every such case first been thoroughly boiled, and has not been produced by any animal suffering from anthrax.

**30. Infected persons not to enter dairies or handle milk or milk vessels**

Every dairyman and every purveyor of milk shall by inquiry keep himself informed of any sickness occurring amongst his employees or in any premises in which he or his employees reside, and it shall not be lawful for any dairyman or purveyor of milk—

- (a) knowingly to allow any person suffering from any contagious or infectious disease, or who is living in any premises in which there is a case of infectious or contagious disease, or who has recently been in contact with a person so suffering, to milk cows or other animals or in any way to take part in the production or distribution or storage of milk or milk products or to enter his dairy premises; or
- (b) if he himself is so suffering, or has recently been in contact with an infected person or living in any infected premises as aforesaid, to milk cows or other animals or in any way to take part in the production or distribution or storage of milk or milk products, or to enter any dairy premises, until in each case all danger therefrom of the communication of infection to the milk or milk products or their contamination has, in the opinion of the medical officer of health, ceased.

**31. Outbreak of disease to be notified**

Every dairyman and every purveyor of milk shall inform the medical officer of health without delay of the occurrence of any infectious or contagious disease amongst any persons residing or engaged or employed upon his dairy premises or amongst any of his employees, and shall comply with all requirements of the medical officer of health for disinfecting the premises and preventing the spread of such disease.

**32. Outbreak of sickness attributable to milk**

(1) Whenever the medical officer of health of any district is of opinion that the outbreak or spread of sickness or disease within his district may be attributable to milk sold or produced or purveyed or distributed by any dairyman or purveyor of milk, such dairyman or purveyor of milk shall, on being required by the medical officer of health, exhibit for inspection all invoices, accounts, books and other documents relating to the supply of such milk, and shall furnish forthwith to such medical officer of health—

- (a) a full and complete list of the names and addresses of the customers or persons supplied with milk by such dairyman or purveyor of milk; and
- (b) a full and complete list of the names and addresses of the persons from whom and of the situation of the places from which, during a period to be specified by the medical officer of health, the milk or any part of the milk sold or distributed by such dairyman or purveyor of milk was obtained.

(2) Any dairyman or purveyor of milk who fails to comply with the provisions of paragraph (1) shall be guilty of an offence.

**33. Power to forbid sale or use of milk in certain cases**

If it appears to the medical officer of health, or to the local authority on the certificate of such medical officer of health, that the consumption of any milk or milk products from any source within or outside the district of such local authority or such medical officer of health is likely to cause the outbreak or spread of infectious or contagious disease, such local authority or such medical officer of health may forthwith prohibit the introduction or



[Subsidiary]

distribution or storage or sale or use within their district of such milk or milk products for a period to be specified by such local authority or such medical officer of health, and any person introducing or distributing or storing or selling or using within the district of such local authority or such medical officer of health any milk or milk products in contravention of any such prohibition shall be guilty of an offence.

#### **34. Milk receptacles to be provided with approved covers**

Every registered dairyman and every licensed purveyor of milk shall provide and fit, or cause to be provided and fitted, proper and efficient covers, lids or stoppers, of a material and of a pattern to be approved by the local authority, to all bottles, cans, churns or other receptacles used or intended to be used for receiving, storing, conveying, delivering or distributing milk for sale or intended for sale.

#### **35. Milk receptacles to be clean and of approved pattern**

No registered dairyman, and no licensed purveyor of milk, shall—

- (a) use or permit to be used for receiving the milk from any animal any receptacle which is not of a material or pattern approved by the local authority; or
- (b) sell, or offer or expose or deposit for sale, or have in his possession for the purpose of sale or delivery or distribution for or in the process of sale, any milk in a bottle or can or churn or other receptacle which is not of a material and pattern approved by the local authority, or which by reason of its condition cannot be rendered clean and sanitary by washing by steam or boiling water or an approved chemical agent, or which has not been thoroughly cleansed and sterilised with steam or boiling water or an approved chemical agent before each occasion of use or refilling, or which is unclean; or
- (c) use or permit to be used in connexion with any approved receptacle for milk any stopper, lid or cover which is not of a material or pattern approved by the local authority, or which is unclean or liable, owing to its condition, to cause contamination of the milk contained in such receptacle, or which has not been thoroughly cleansed or sterilised in the manner described in paragraph (b) before each occasion of use.

[L.N. 93/1960, r. 4.]

#### **36. Cleansing of person and clothing whilst handling or conveying milk**

Every dairyman and every purveyor of milk shall ensure that, when he himself or when on his behalf any other person handles, conveys, distributes, delivers or sells milk, he shall be clean as to his hands, person and clothing whilst so employed or engaged, and any dairyman or purveyor of milk who fails to ensure that the provisions of this Rule are complied with shall be guilty of an offence.

#### **37. Presumption**

Any milk found in the possession of any dairyman or purveyor of milk, or in any dairy premises, or in any vehicle or carrier or milk vessel in the possession or use of any dairyman or purveyor of milk, shall be deemed to be intended for sale for human consumption until the contrary shall have been proved to be the case by such dairyman or purveyor of milk.

#### **38. Revoked by L.N. 294 of 1979, r. 2.**

#### **39. Comparative records of inspections and examinations**

(1) The local authority may from time to time compile comparative records of—

- (a) the results of inspection made by the medical officer of health, or sanitary inspector, of all or any dairies registered by such local authority, the record

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**[Subsidiary]**

of such inspections to be ascertained by such methods as the medical officer of health may from time to time decide upon;

- (b) the result of chemical and bacteriological examinations, made by the Government analyst and Government bacteriologist respectively, of the milk sold within the district of such local authority, or exposed, deposited or conveyed for the purpose of sale within the district of such local authority, or delivered for or in the process of sale within the district of such local authority, by all or any purveyors of milk, or dairymen, whether such milk is produced at a dairy situated within or without the district of the local authority, and whether the said purveyors of milk or dairymen are carrying on or are engaged in the business of purveyors of milk or dairymen within or outside the district of such local authority.

(2) Such local authority may from time to time publish such comparative records, together with the names of the respective dairymen and purveyors of milk, or such portions of such comparative records with names as such local authority may deem necessary, for public information, either by publication in any newspaper circulating within the district of such local authority or by affixing the same to any notice board or boards of such local authority, or by such other means as such local authority may from time to time decide.

**40.** *Revoked by L.N. 294 of 1979, r. 2.*

**41. Offences**

Where a dairyman or a purveyor of milk is charged with an offence under these Rules, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the dairyman or the purveyor of milk proves to the satisfaction of the court—

- (a) that he has used due diligence to enforce the execution of these Rules; and
- (b) that the said other person has committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence, and the dairyman or the purveyor of milk shall be exempt from any fine, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

**42. Bovines not to be kept within thirty-five feet of a dwelling**

(1) No person shall stable or otherwise accommodate any bovine animal within thirty-five feet of a dwelling, such distances being measured in a straight line from the nearest point of the stable or other place where such bovine is accommodated to the nearest point of the dwelling.

(2) No person shall stable or otherwise accommodate any bovine animal within one hundred feet of a dwelling (such distance being measured in a straight line from the nearest point of the stable or other place where such bovine is accommodated to the nearest point of the dwelling) unless the stable or other place where such bovine is or is to be accommodated has been established as premises for or accommodating of a bovine animal at the time of the application of this Rule.

(3) For the purposes of this Rule, where the owner or occupier of any stable or other place where a bovine animal was accommodated at the time of the application of this Rule fails to give written notice to the local authority within sixty days from the date of the application of this Rule that he is the owner or occupier of premises established at the time of the application of this Rule for the stabling or accommodating of a bovine animal, such

stable or other place as aforesaid shall not be deemed to have been established as premises for the stabling or accommodating of a bovine animal at the time of the application of this rule.

#### **43. Information to be given when required as to place of production of milk**

Any dairyman, or any purveyor of milk, or any producer or consignee of any milk or milk products, or any servant or agent of any such person or persons, who, when required by the medical officer of health or sanitary inspector or any other person duly authorized by the local authority to give information as to the place or places in which was produced any milk or milk products stored, deposited, exposed, conveyed, distributed or intended to be distributed for the purpose of sale, offered for sale, sold or in course of delivery for or in the process of sale, withholds or refuses such information or knowingly gives false or misleading information shall be guilty of an offence.

#### **44. Powers of entry and inspection**

The medical officer of health, sanitary inspector or any other person duly authorized by the local authority may enter any dairy premises or any grazing ground where cows are grazed, at any hour reasonable for the proper performance of the duty, for the purpose of inspecting the premises and the cows, milk, milk products, receptacles for milk and utensils kept therein, and the provisions made for keeping the same in good, clean and sanitary condition, and of ascertaining whether the requirements of these Rules are being observed, and the medical officer of health may examine any person resident on or employed or engaged in or about any such premises for the purpose of ascertaining whether such person is suffering from any infectious or contagious disease.

#### **45. Veterinary officer may enter premises and inspect milch cattle**

(1) A veterinary officer may enter at any time upon any premises in which any cow for the production of milk for sale is kept or housed or milked and examine any cow or other animal therein, and may milk any such cow or demand that any such cow be milked in his presence, and may carry away any sample or samples of milk so obtained for the purpose of examination, and, should there be reason to believe or suspect that any such cow or animal is suffering from any contagious or infectious or other disease liable to render milk produced by such cow or animal unwholesome or injurious or dangerous for human consumption, may carry out such investigations including the inoculation of any such cow or animal, as he may deem necessary to determine whether such cow or animal is suffering from disease.

(2) Any dairyman who by the wilful act or default of himself or his servant fails to render such veterinary officer all reasonable assistance in any such examination or investigation as aforesaid, or in obtaining any sample or samples of milk as hereinbefore provided, shall be guilty of an offence.

#### **46. Veterinary officer may require milch cattle to be assembled for inspection**

(1) A veterinary officer may, by written notice, require the owner or keeper of any cows which are kept or used for production of milk for sale to assemble all such cows upon his premises, under proper control, for the purpose of veterinary inspection, at a time to be specified in the said notice, which shall not in any case be less than twenty-four hours from the time of the service of such notice.

(2) Any such owner or keeper who by the wilful act or default of himself or his servant fails to comply with such notice, and to render the said veterinary officer all reasonable assistance, shall be guilty of an offence.

[Subsidiary]

**47. Obstruction of officers**

Any person wilfully obstructing the medical officer of health, veterinary officer, sanitary inspector or any duly authorized agent of such officer, or any duly authorized officer of the local authority, in the performance of his duties under these Rules shall be guilty of an offence.

**48. Court may cancel certificate on conviction for offence**

On the conviction of any registered dairyman or licensed purveyor of milk for an offence under these Rules, the court may, on the application of such local authority or medical officer of health, cancel his certificate of registration or of licence, as the case may be, and order that no new certificate shall be granted under these Rules to such person for a period not exceeding two years from the date of such cancellation, and thereupon such person shall become disqualified to hold a certificate during such period of cancellation.

**49. General penalty**

Any person who is guilty of an offence under these Rules shall, where no penalty is expressly prescribed, be liable to a fine not exceeding five hundred shilling or to imprisonment for a term not exceeding two months or to both.

**50. Local authority may proceed against servant or agent**

Where it appears to a local authority that an offence has been committed in respect of which proceedings might be taken under these Rules against a dairyman or a purveyor of milk, the local authority shall, if reasonably satisfied that the offence of which complaint is made was due to an act or default of a servant or agent of such dairyman or purveyor of milk without his knowledge, consent or connivance, and that he has used due diligence to enforce the execution of these Rules, take proceedings against the servant or agent without first proceeding against such dairyman or purveyor of milk.

**51. Rules to apply *mutatis mutandis* to milk intended for human food other than cow's milk**

The foregoing rules of these Rules shall *mutatis mutandis* apply to the sale or production, collection, storing, keeping, preparation, delivery, conveying, transmission or exposure for sale of milk intended for human consumption from any animal other than a cow, and to the keeping of any such animal for the production of such milk.

**52. Rules not to apply to hotels, boarding houses, etc.**

Nothing in these Rules shall be deemed to apply to hotels, boarding-houses or other like premises, where milk is sold or prepared for sale only to persons dwelling on the premises, or to apply to persons so selling or preparing milk.

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**APPLICATION OF THE ABOVE RULES UNDER RULE 2**

[Cap. 130 of (1948), Sub. Leg., G.N. 433/1949, G.N. 729/1951, G.N. 1242/1951, G.N. 1413/1951, G.N. 163/1952, G.N. 819/1952, G.N. 577/1954, L.N. 24/1956, L.N. 25/1956, L.N. 218/1959, L.N. 540/1960, L.N. 396/1961, L.N. 217/1964, L.N. 178/1965, L.N. 285/1966, L.N. 349/1966, L.N. 255/1967, L.N. 24/1976.]

The whole of the Public Health (Milk and Dairies) Rules have been applied to the following areas—

Eldoret Municipality;

[Cap. 130 of (1948), Sub. Leg.]

Kisumu Municipality;

Nairobi Municipality;

Nakuru Municipality;

[G.N. 433/1949.]

Kitale Municipality;

Nyeri Township;

[G.N. 729/1951.]

Nanyuki Township;

[G.N. 1242/1951.]

Machakos Township;

[G.N. 1413/1951.]

Kapsabet Township;

[G.N. 163/952.]

Kericho Township;

[G.N. 577/1954.]

County of Nairobi;

[L.N. 24/1956.]

The district of the Nyanza North Rural District Council;

[L.N. 25/1956.]

The district of the Thomson's Falls Urban District Council;

[L.N. 218/1959.]

Kiambu Township;

[L.N. 540/1960.]

Limuru Trading Centre, within the district of the Kiambu African District Council;

Malindi Township;

[L.N. 396/1961.]

The County of Nyandarua;

The County of Murang'a;

[L.N. 217/1964.]

Kisii Urban Council area;

[L.N. 178/1965.]

The County of Nyeri;

Meru Urban Council area;

Karatina Urban Council area;

[L.N. 285/1966.]

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Kakamega Urban Council area;  
[L.N. 349/1966.]

Narok Township;  
Nairagie Ngare Trading Centre;  
Kilgoris Trading Centre;  
Ololunga Trading Centre;  
[L.N. 255/1967.]

The County Council of Kwale;  
The County Council of Kilifi;  
The County Council of Taita/Taveta;  
The County Council of Kiambu;  
The County Council of Trans Nzoia;  
The County Council of Elgeyo Marakwet;  
The County Council of Nandi;  
The County Council of Kipsigis;  
The County Council of Nakuru;  
The County Council of Laikipia;  
The County Council of Wareng.  
[L.N. 24/1976.]

The following provisions of the Public Health (Milk and Dairies) Rules have been applied to the following areas—

Mombasa Municipality: all except rule 27;  
[Cap. 130 of (1948), Sub. Leg.]

Kakamega Township: rules 3, 18-24, 26, 28, 30-38, 40, 43, 44, 47 and 48;  
Embu Township: rules 3, 18-24, 26, 28, 30-38, 40, 43, 44, 47 and 48;  
[G.N. 819/1952.]

Kisii District: the whole of the rules, except rules 12, 25 and 42;  
[L.N. 178/1965.]

The County of Kirinyaga: the whole of the Rules, except rule 27.  
[L.N. 285/1966.]

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**CHEMICAL AGENTS APPROVED UNDER RULE 14(G)(I) OF THE ABOVE RULES**

[L.N. 218/1964, L.N. 345/1964, L.N. 260/1965.]

Benzalkonium Chloride.

[L.N. 218/1964.]

Iosan.

[L.N. 345/1964.]

Mikotox.

[L.N. 260/1965.]

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**PUBLIC HEALTH (MEAT INSPECTION) RULES**

[L.N. 14/1956.]

1. These Rules may be cited as the Public Health (Meat Inspection) Rules.
2. In these Rules, unless the context otherwise requires—
  - “**carcass**” includes any part of a carcass and its viscera;
  - “**code of practice**” means the code of practice of meat inspection set forth in the Schedule;
  - “**designated place**” means any abattoir, slaughterhouse or other places declared to be such under rule 3;
  - “**health inspector**” means any health inspector appointed by the Government holding the certificate of the Royal Sanitary Institute (England), or the Royal Sanitary Association of Scotland, for inspectors of meat and other foods;
  - “**inspecting officer**” means any medical officer of health, veterinary officer or health inspector, and includes any other person duly authorized by any of the said persons to assist him for the purposes of these Rules;
  - “**medical officer of health**” means the medical officer of health for the area in which the designated place concerned is situated;
  - “**veterinary office**” means a veterinary surgeon in the service of the Government.
3. The Minister may, by notice in the *Gazette*, declare any abattoir, slaughterhouse or other place where livestock is slaughtered for the purpose of human consumption to be a designated place for the purpose of these Rules.
4. Except in an emergency, any person who slaughters at a designated place any livestock which has not previously been inspected by a veterinary officer in accordance with the code of practice shall be guilty of an offence against these Rules.
5. Any person who parts with the possession or control of the carcass of any livestock slaughtered at a designated place, being a carcass which has not before such parting with possession or control been inspected in accordance with the code of practice by a medical officer of health, veterinary officer or health inspector, shall be guilty of an offence unless it is shown to the satisfaction of a medical officer of health, veterinary officer or health inspector that the carcass is not intended for human consumption.
6. It shall be lawful for the medical officer of health or any veterinary officer or health inspector to detain and to order the disposal or destruction of any livestock or carcass which, in his opinion, is unfit for human consumption.
7. Any person, other than an inspecting officer, who attaches, removes or alters any tag, token or mark, used in the process of inspection of any livestock or carcass under the code of practice, from such livestock or carcass shall be guilty of an offence.
8. Any person who removes or disposes of any livestock or carcass which has been so marked or tagged except with consent or in accordance with the instruction of a medical officer of health, veterinary officer or health inspector shall be guilty of an offence.
9. Any person who obstructs or hinders an inspecting office acting in the course of his duties as such shall be guilty of an offence.

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**[Subsidiary]**

**10.** Any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding two thousand shillings.

**11.** These Rules shall not apply so as to interfere with the operation or effect of the Animal Diseases Act (Cap. 364) or anything lawfully done thereunder.

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**SCHEDULE**

[Rule 2.]

**CODE OF PRACTICE OF MEAT INSPECTION****1. Ante-mortem inspection**

(1) All cattle, sheep, swine and goats shall be inspected ante-mortem except in cases of emergency.

(2) No animal which has entered the yards or lairages shall be removed therefrom, whether for slaughter or otherwise, unless permission in writing has been granted by the inspecting officer.

(3) The ante-mortem inspection shall be carried out if possible on the unloading ramp or in lairages, provided the latter have ample natural light.

(4) During the inspection the following details shall be noted—

- (a) disease symptoms which may influence the general health of the animal or depreciate the meat;
- (b) the presence of notifiable infectious diseases or symptoms which may suggest that such disease is developing; and
- (c) species, sex, colour, age, behavior and body temperature.

(5) In particular attention shall be paid to the following—

- (a) condition of nutrition;
- (b) manner of standing and walking;
- (c) reaction to environment;
- (d) hide, skin and hair;
- (e) digestive system (lips, mouth, anus, rumination, quality of faeces and appetite);
- (f) vulva, vagina and mammary gland; and
- (g) respiratory system (nasal openings and respiration).

**2. Suspect animals**

(1) Every animal suspected on ante-mortem inspection shall be set apart and tagged as a "SUSPECT", and slaughtered either in the casualty block or when the killing of the normal animals has been completed.

(2) Any inspecting officer carrying out the ante-mortem inspection shall notify in writing the officer in charge or the officers on the killing floor of the reason why the animal has been classed as "SUSPECT".

**3. Condemned animals**

Any animal showing on ante-mortem inspection a disease or condition that would necessitate condemnation of the carcass on post-mortem inspection shall be tagged as "CONDEMNED".

**4. Killing of condemned animals**

Animals tagged as "CONDEMNED" shall, if not already dead be killed in the post-mortem room only, and shall not be conveyed into any department of the establishment used for edible products.

*Post-mortem Inspection***5. General provisions: Preparation for inspection**

(1) The post-mortem inspection shall follow as soon as possible after the slaughter of the animal, except in cases of emergency slaughter.

(2) The carcass shall not be cut up into quarters until the inspecting officer has carried out his examination.

(3) All hair, scurf and dirt, and hoofs and claws, shall be removed from pig carcasses, and the carcasses shall be thoroughly washed and cleaned before any incision is made for inspection or evisceration.

(4) When a carcass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the Jewish or Mohammedan method the heads shall be removed from the carcasses before washing of the carcass.

(5) No serious membrane shall be removed nor shall any evidence of disease be modified or obliterated by washing, scraping or stripping or in any other manner before inspection by an authorized officer.

(6) (a) The organs of the abdomen, pelvis and thorax shall be removed and the tongue in calves and pigs.

(b) The head and feet may be cut off, if so desired, from cattle, sheep and goat carcasses.

(c) Ears, eyes, sexual organs, the navel in pigs and the anus shall be removed immediately.

(7) If several animals of the same species are slaughtered together, the parts and organs removed from a carcass shall be kept beside that carcass or otherwise marked to enable their identification with the carcass from which they have been removed.

(8) No part or organ shall be removed without the knowledge and permission of the inspecting officer before the inspection of the carcass and viscera is fully completed.

**6. Duties of inspecting officer**

(1) Every inspecting officer shall possess at least two knives, which shall be kept in clean condition; and knives which are soiled by diseased matter shall not be used until they have been properly cleaned and disinfected.

(2) Every inspecting officer shall incise all the organs and parts of a carcass as provided herein; and if the routine incisions are not sufficient to reach a diagnosis the inspecting officer may incise other parts or demand the cutting up of the carcass.

(3) When incising diseased parts, every inspecting officer shall avoid contaminating the healthy parts of the carcass or organs, and the floor and other parts of the premises.

(4) (a) Any carcass, organ or part retained for further inspection or bacteriological examination shall be marked by the inspecting officer with a label stating "RETAINED".

(b) The carcass, organ or part shall be removed to a detention room, where it will remain until a final decision has been reached.

(c) The identity of every such retained carcass, organ or part shall be maintained until the final inspection has been completed.

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**[Subsidiary]**

(5) Where a slaughtered animal is found by the inspecting officer to be free from disease, well nourished and in sound and wholesome condition, the carcass shall be passed as fit for consumption, and shall be stamped by the inspecting officer with the official mark of approval.

(6) The remainder of a carcass from which diseased parts have been taken by or under the personal supervision of an inspecting officer shall be passed as fit for consumption and stamped by the inspecting officer with the official mark of approval.

**7. General principles of post-mortem inspection**

(1) The carcass shall be examined visually to ascertain the following—

- (a) condition of nutrition;
- (b) evidence of bruising, haemorrhage, injuries or discoloration;
- (c) efficiency of bleeding;
- (d) local or general dropsy (oedema);
- (e) abnormalities, swellings or deformities of bones, joints, muscles or other tissues; and
- (f) conditions of serous membranes (pleura and peritoneum).

(2) Viscera shall be examined either *in situ* or as they are removed from the carcass.

(3) Lymph nodes shall be examined by palpation and deep multiple, longitudinal incisions (and if required they shall be removed for detailed inspection).

(4) The carcass muscles shall be inspected by viewing and incision.

(5) Any carcass, organ or part demanding a more detailed examination shall be retained in accordance with the provisions of subparagraph (4) of paragraph 6.

(6) Any incision or excision shall be made if possible in such manner as not to impair the market value of the carcass, organ or part.

**8. Detailed instructions for routine inspection**

A visual inspection, alone or together with palpation or incision of the following parts or organs shall be carried out as a routine measure—

- (a) blood—(*note*: colour, clotting, staining ability and presence of foreign matter);
- (b) head—(pharynx, tongue, lips, sub-maxillary and retro-pharyngeal lymph nodes);
- (c) lungs—(trachea, bronchial and mediastinal lymph nodes);
- (d) heart—(peri-, ecto- and endocardium—routine incision of heart muscle in accordance with paragraph 9);
- (e) diaphragm;
- (f) liver—(surface and substance, bile ducts and lymph nodes);
- (g) stomach and intestines—(omentum, mesentery and mesenteric lymph nodes);
- (h) kidneys—(surface and substance, and if necessary renal lymph nodes);
- (i) spleen—(incision only if necessary);
- (j) uterus—(ovaries, vagina and vulva);
- (k) testicles;
- (l) mammary gland (supramammary lymph nodes);
- (m) feet;

- (n) muscles (routine incisions, see “detailed inspection of cattle, calves, etc.” in paragraph 9);
- (o) fat, connective tissue, bones, joints and tendon sheets; and
- (p) carcass lymph nodes (routine inspection in accordance with paragraph 9).

## 9. Detail of inspection methods in cattle, calves, pigs and sheep

(1) CATTLE—visual inspection of gums and palate; visual inspection, palpation and incision of tongue (ventral aspect-root), which should be loosened but not detached; extensive incisions into the external and internal muscles of mastication, parallel to the lower jaw; visual inspection of heart after opening of pericardium—if necessary an incision into the heart muscle shall be made from the base to the apex (further incisions shall be made if *cysticercus bovis* is suspected); visual inspection of oesophagus; visual inspection of the muscles exposed during splitting of carcass; the following routine inspection shall be made into each side: three incisions into the muscles of the shoulder proximal to the elbow joint, one incision into the abductor muscle of the hind-quarter parallel to the symphysis pelvis; any other incision or excision shall be permissible, without mutilation of the carcass, if the presence of *cysticercus bovis* is suspected; the prescapular, external and internal iliac, supramammary and renal lymph nodes shall be incised, the stomach, intestines and mesenteric lymph nodes shall be viewed, the latter if necessary incised; the liver shall be visually inspected, palpated and incised (an incision shall be made across the thin left lobe); the adrenal glands shall be examined by observation; the udder shall be incised and examined by observation and palpation; the outer surface of the uterus and the substance of the uterus and of the ovaries shall be examined; if considered necessary, the former shall be incised.

(2) CALVES—in addition to the foregoing, the navel and joints shall be examined by observation and if necessary incised; the presence, consistency and colour of the fat around the kidneys shall be noted; the skeletal muscles shall be viewed to ascertain their colour and consistency; visual inspection and if necessary incision of all parts known to be predilection sites for *cysticercus bovis* regardless of age of calf; visual inspection of visceral surface of the liver.

(3) PIGS—the carcass shall be split before inspection; the sub-maxillary and retropharyngeal lymph nodes shall be exposed and incised; lips and gums shall be viewed; the tongue shall be detached from the head bones, palpated, viewed and incised; the pericardium shall be opened up and the heart visually inspected and incised by one cut stretching from the base to the apex; the leaf fat shall be detached and the kidneys exposed (this may be omitted in export pigs for overseas); all exposed muscles shall be visually inspected, especially the neck, loin and ham muscles as well as the fleshy part of the diaphragm; the prescapular iliac, superficial inguinal and supramammary lymph nodes shall be examined by palpation and if necessary incised; the gastro-splenic and mesenteric lymph nodes shall be incised; incisions into the shoulder muscles may be omitted.

(4) SHEEP AND GOATS—the lips, gums, tongue and nasal cavities shall be examined as practicable; the prescapular, superficial inguinal, supramammary and precrural lymph nodes shall be examined in detail; the lungs shall be viewed, palpated and their basic lobes incised; the liver shall be viewed and palpated, and an incision shall be made into the thickest portion of the organ or across the thin left lobe; the mammary gland shall be examined by observation and palpation.

## 10. Inspection of lymph nodes and organs in “SUSPECT” carcasses

All carcass lymph nodes and organs shall be examined in detail in carcasses marked “SUSPECT” during ante-mortem inspection and in carcasses derived from an emergency slaughter.

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**[Subsidiary]****11. Bacteriological examination of carcasses from an emergency slaughter**

(1) No carcass derived from an animal judged "SUSPECT" during ante-mortem inspection or slaughtered in emergency shall be passed fit for human consumption unless it has been proved by bacteriological examination to be free from infection with food poisoning organisms, or if any of the following diseases or conditions have been established—

- (a) sheep pox, erysipelas, swine fever;
- (b) bone fractures (without perforation of hide or skin);
- (c) external injuries (without affecting the general health); foreign body in the oesophagus (without perforation); prolapse of the uterus, bladder or rectum provided slaughter has taken place immediately after the accident and no complication or fever was recorded.

(2) Carcasses from which samples have been taken for bacteriological examination shall be "RETAINED" under lock and key until a final decision can be reached.

**12. Diseases and conditions rendering carcass unfit for human consumption**

The carcass and viscera shall be judged unfit for human consumption if affected with or showing lesions of any of the following diseases or conditions—

- (i) anthrax;
- (ii) abscesses, multiple;
- (iii) anaplasmosis and redwater, save where the carcass is in good condition;
- (iv) actinomycosis and actinobacillosis, generalized;
- (v) blackleg;
- (vi) bluetongue;
- (vii) cystercercosis, generalized;
- (viii) caseous lymphadenitis, if the carcass is in poor condition or the lesions are either multiple, acute and actively progressive, or inactive but widespread;
- (ix) decomposition, generalized;
- (x) dropsy, generalized;
- (xi) emaciation, pathological;
- (xii) erysipelas, acute;
- (xiii) east coast fever, save where the carcass is in good condition;
- (xiv) foot-and-mouth disease;
- (xv) heartwater, save if carcass in good condition and not feverish;
- (xvi) immaturity, unborn or stillborn carcass;
- (xvii) jaundice, if discoloration of the carcass is still present after 24 hours of cooling, or if the carcass is in poor condition, or dropsical, or if an unpleasant taste or smell is noted when carrying out the boiling or frying test;
- (xviii) leptospirosis;
- (xix) lukaemia;
- (xx) mammitis, acute, septic;
- (xxi) metritis, acute, septic;
- (xxii) malignant catarrh;
- (xxiii) Nairobi sheep disease;
- (xiv) paratyphus of pigs;
- (xxv) parturient paresis, carcass judged according to its merits;
- (xxvi) pneumonia, acute, septic;

- (xxvii) pleurisy, acute, diffuse, septic;
- (xxviii) pericarditis, acute, septic;
- (xxix) peritonitis, acute, diffuse, septic;
- (xxx) pigment formation, generalized;
- (xxxi) polyarthritides;
- (xxxii) rabies;
- (xxxiii) rinderpest;
- (xxxiv) salmonellosis, generalized;
- (xxxv) sarcocystosis (misheriana), if the meat is watery and discoloured;
- (xxxvi) septicaemia and pyaemia;
- (xxxvii) tetanus;
- (xxxviii) transit fever, save when carcass is in good condition;
- (xxxix) trichinosis;
- (xl) trypanosomiasis, save where the carcass is in good condition and does not show lesions of fever and dropsy;
- (xli) tuberculosis, if the carcass is emaciated or fevered owing to an acute blood infection, or the lesions are generalized, extensive or acute or actively progressive;
- (xlii) tumours, generalized or malignant;
- (xliii) unpleasant odour or taste; or
- (xliv) swine fever.

### 13. Blood unfit for human consumption

Blood shall be unfit for human consumption when—

- (i) the carcass and organs are condemned;
- (ii) the carcass or organs are found to be affected with any infectious disease;
- (iii) it is contaminated by stomach contents or other extraneous matter.

### 14. Affected part unfit for human consumption

(1) An organ or part of a carcass shall be unfit for human consumption if affected with or showing lesions of the following diseases conditions—

- (i) tuberculosis—
  - (a) the head, including the tongue shall be condemned if the retropharyngeal, parotid and submaxillary lymph nodes, or any two of these, show lesions;
  - (b) the mesentery and associated part of the intestines shall be condemned if the mesenteric lymph nodes alone show lesions;
  - (c) the trachea as well as the larynx shall be condemned if the lungs or associated lymph nodes show lesions;
  - (d) if muscle lymph nodes show lesions, all long bones in the respective drainage area shall be removed and opened up; if a lesion is exposed, all skeletal bones shall be destroyed and the muscles sterilized, provided the carcass is in good condition; otherwise total condemnation of the carcass shall be enforced;
  - (e) in the absence of any symptoms of an acute blood infection, and if there are no lesions in the long bones, but muscle lymph nodes show slight chronic lesions, the affected part only shall be sterilized;

**[Subsidiary]**

- (ii) sarcocystosis (misheriana):  
the affected muscles only shall be condemned, provided the infestation is localised and the meat normal;
- (iii) liver fluke, bladder worms, round worms, tape worms, etc:  
Provided the affected part shall not be rejected when the lesions are slight and not numerous and the part is not changed in structure and appearance;
- (iv) abscesses, abrasions, bruises, injuries, tumours, etc.:  
Provided that the affected parts together with the surrounding tissues shall be removed if the lesions are localized or encapsulated and the regional lymph nodes or the general system does not show any symptoms indicating spread of secondary infection;
- (v) pleuro-pneumonia—  
the lungs and pleura shall be condemned;
- (vi) actinomycosis and actinobacillosis—  
the affected parts and the corresponding lymph nodes shall be condemned;
- (vii) inflammation—  
the diseased part only shall be condemned if the area is small and localised and the regional lymph nodes or general system not involved;
- (viii) malformations—  
the affected parts shall be condemned;
- (ix) diamond skin lesions (skin erysipelas);  
the affected part or the whole skin shall be stripped and condemned;
- (x) degeneration—  
the affected organ or muscle shall be condemned;
- (xi) pigmentation, calcification, infiltration haemorrhage or watery—  
the affected parts shall be condemned;
- (xii) decomposition superficial, moulds superficial, maggots, etc.—  
the affected parts together with the surrounding tissues shall be condemned;
- (xiii) contamination (pus or inflammatory exudate)—  
the contaminated part together with the surrounding tissues shall be condemned;
- (xiv) arthritis—  
the affected parts shall be condemned.

**15. A carcass conditionally fit for human consumption**

A carcass shall be deemed conditionally fit for human consumption if infested with *cysticercus bovis* under the following conditions—

- (a) any carcass showing 1-6 cysts or degenerated cysts shall be retained for 14 days in a temperature not above —10° C., or sterilized by heat in accordance with paragraph 16 of this Schedule, and then released unconditionally for sale on the market;
- (b) any carcass of which the head or tongue, or thoracic or abdominal viscera, are infested with one or more active cysts shall be retained, and treated and released in accordance with subparagraph (a);



[Subsidiary]

- (c) any carcass showing 7-20 cysts shall be retained and treated in accordance with subparagraph (a), but released conditionally as “contract” meat only.

#### 16. Treatment of conditionally fit carcass

Carcasses which have been declared conditionally fit shall be processed by either of the following methods—

- (a) sterilization by heat treatment, carried out by steaming, boiling or rendering—
  - (i) steaming, which entails heating by steam under moderate pressure (7 lb. per square inch) in an autoclave for a period of not less than one hour;
  - (ii) boiling, which entails heating in a closed or open vat at a temperature of 76.6° C. for a period of not less than 2½ hours;
  - (iii) rendering, which entails cooking of pork fat and tallow for a time sufficient to render them effectively into lard or tallow, provided all parts of the product are heated to a temperature not lower than 76.6° C. for a period not less than 30 minutes;

carcasses or parts subjected to heat treatment, preferably by steaming, shall be cut up into pieces not greater than 6 inches in thickness; the sterilization shall be regarded as adequate when the deeper portions of the meat have assumed a grey colour in the case of beef or a greyish-white colour in the case of pork, and where the muscle juice which exudes when the meat is cut has lost its reddish tint; and the heat treatment shall be carried out during regular hours of work under the direct supervision of an inspecting officer; or

- (b) freezing, as a means of sterilization of carcasses affected with *cysticercus bovis*, shall be carried out in a cold storage room the temperature of which shall be maintained at a constant level of not more than —10° C. for a period of at least fourteen days; and—
  - (i) before any carcass infested with *cysticercus bovis* is placed in cold storage for sterilization all obviously diseased parts shall be removed and a tag shall be securely affixed to each side;
  - (ii) a record of every carcass placed in cold storage for sterilization shall be kept;
  - (iii) the thermograph recordings of the temperature of separate cold storage room reserved for the sterilisation of carcasses infested with *cysticercus bovis* shall be preserved for a period of at least one month from the date on which such carcass was removed therefrom and shall be available for inspection; and
  - (iv) the cold storage room in which carcasses infested with *cysticercus bovis* are held shall be kept under lock and key, and shall be under personal supervision of the inspecting officer in charge or his deputy.

#### 17. Carcasses declared conditionally fit but not treated

Carcass and parts declared conditionally fit for human consumption which have not been submitted to the treatment prescribed in paragraph 16 shall be regarded as unfit for human consumption.

#### 18. Diseases and conditions not provided for

Judgment and procedure in diseases and conditions not dealt with in this code shall be within the discretion of the inspecting officer.

[Subsidiary]

**19. Disposal of carcasses and parts unfit for consumption**

(1) Carcasses and parts judged unfit for human consumption shall be moved to the disposal plant not later than 24 hours after judgment.

(2) Where a disposal plant is not available, carcasses and parts unfit for human consumption shall be destroyed by burning.

**20. Inspection records**

(1) Every inspecting officer shall keep a daily record book of slaughter and condemnation.

(2) In public abattoirs and meat production plants, a record book shall be maintained in which shall be recorded daily all slaughtering and condemnations carried out on the premises; this record shall be closed at the end of the calendar year, and an annual report shall be made to the Director of Veterinary Services and the Director of Medical Services during the month of January.

(3) Daily record books and annual reports shall be kept for at least three years before being destroyed.

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**ABATTOIRS DECLARED TO BE DESIGNATED UNDER RULE 3 OF THE ABOVE**

[L.N. 26/1956.]

The Kenya Meat Commission Abattoir, Athi River,

The Kenya Meat Commission Abattoir, Mombasa,

The Uplands Bacon Factory (Kenya) Ltd. Abattoir, Uplands.

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**PUBLIC HEALTH (IMPORTATION OF MEAT) RULES**

[L.N. 545/1962.]

1. These Rules may be cited as the Public Health (Importation of Meat) Rules.

2. In these Rules, unless the context otherwise requires—

“**authorized officer**” means a health officer as defined in the Public Health (Port, Airport and Frontier) Rules;

“**competent authority**” means an authority having power under the laws in force in any country to examine articles of food and to certify as to their fitness for human consumption;

“**importer**” means any person who brings any meat or meat products or causes any meat or meat products to be brought into Kenya, whether as owner or as a person for the time being possessed of or beneficially interested in the meat or meat products, and “**import**” shall be construed accordingly;

“**meat**” means flesh or other edible part of an animal, and includes meat which has been cured or smoked, but does not include meat which has been cooked or otherwise treated or prepared or which has been packed in air-tight containers;

“**meat product**” means any of the articles specified in the First Schedule;

“**place of export**” includes a factory or place of preparation and the port or airport of departure of the consignment of meat.

3. No person shall import any meat or meat product unless such meat or meat product is accompanied by a certificate that it has been examined by a competent authority at the place of export and found at the time of examination to be wholesome; the certificate shall be in the form specified in the Second Schedule.

4. Any person who imports any meat or meat product in contravention of rule 3 shall be guilty of an offence and shall be liable on conviction to the penalties prescribed in section 164 of the Act.

5. An authorized officer at the port or airport of entry may require the importer of any meat or meat products to produce a certificate of examination as required by rule 3 in regard to such meat or meat products.

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**FIRST SCHEDULE**

[Rule 2.]

1. Cooked or dried meat.
  2. Intestines and other parts prepared in the form of sausage casings.
  3. Pies, sausages and other parts prepared or manufactured articles of food containing any meat or cooked or dried meat other than fat.
  4. Rendered animal fats except in margarine.
-

*Public Health*

[Subsidiary]

## SECOND SCHEDULE

[Rule 3.]

Date .....

No. ....

I, .....  
 duly appointed by .....  
 hereby certify that the fresh/frozen/cured meat or meat product herein described not being canned  
 meat is derived from ..... (name of animal) which was subjected to  
 ante-mortem and post-mortem inspection at the time of slaughter and that no evidence was found of  
 any disease or condition which would render the meat or meat product unwholesome.

I further certify that to the best of my knowledge and belief all necessary precautions for  
 prevention of danger to public have been taken in the dressing, preparation and packing of the said  
 meat or meat product according to the appropriate public health regulations in the country of origin.

<i>Description of meat or meat product</i>	<i>Number of pieces</i>	<i>Weight</i>

Shipped by .....

Address .....

Destination .....

Identification marks on meat or meat product .....

 .....  
*Signature*

 .....  
*Official Title*

**CEMETERIES AUTHORIZED UNDER SECTION 145**

These are not included in the Laws of Kenya as they are of local application only (L.N. 559/1962).

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**PUBLIC HEALTH (MEDICAL OFFICERS OF HEALTH AND HEALTH INSPECTORS) RULES, 1963**

[L.N. 153/1963, L.N. 23/2007.]

**RULES UNDER SECTION 169**

1. These Rules may be cited as the Public Health (Medical Officers of Health and Health Inspectors) Rules, 1963.

2. In these Rules, unless the context otherwise requires—

“**health inspector**” means any health inspector or sanitary inspector appointed by a local authority and includes any chief health inspector, senior health inspector, health inspector or public health inspector appointed by the Director of Medical Services to act as such in any district;

“**medical officer of health**” includes a deputy medical officer of health.

3. No person shall be appointed a medical officer of health or a health inspector under section 9(1A) of the Act unless he is in possession of the qualifications hereinafter prescribed—

- (a) in respect of appointment as a medical officer of health—
  - (i) registration as a medical practitioner; and
  - (ii) possession of a registered diploma in public health or its equivalent, save that the Minister may in any particular case, if he thinks fit, dispense with the qualification specified in subparagraph (ii) of this paragraph;
- (b) in respect of appointment as assistant medical officer of health, registration as a medical practitioner and such other qualifications as the Minister may from time to time specify;
- (c) in respect of appointment as health inspector—
  - (i) possession of—
    - (a) a certificate or diploma of the Public Health Inspectors Education Board; or
    - (b) a certificate of the Royal Sanitary Association of Scotland; or
    - (c) a certificate of any authority superseded by such Board of Association; or
    - (d) a certificate or diploma of the Royal Society of Health as Health Inspector; or
    - (e) a degree in public health or environmental health from a recognized university; or
    - (f) any other recognized qualification as Health Inspector which the Minister may from time to time specify; and
  - (ii) in addition, where duties may include inspection of meat and other foods, possession of a certificate or diploma of the Royal Society of Health or of the Royal Sanitary Association of Scotland as an Inspector of Meat and other Foods, unless this is already incorporated with one of the above statutory qualifications.

[L.N. 23/2007, r. 2.]

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**[Subsidiary]**

4. (1) A local authority shall, before appointing any medical officer of health, assistant medical officer of health or health inspector, submit to the Minister a statement in such form and containing such particulars relating to the appointment as may from time to time be required by the Minister.

(2) A local authority shall, as soon as the approval of Minister has been given to the proposals contained in the statement so submitted, cause to be inserted in some newspaper or newspaper circulating locally and, if appropriate, overseas, at least six-weeks before the date on which it is proposed that the appointment shall be considered by the local authority, an advertisement specifying the local authority by which the appointment is to be made, together with details of the emoluments and any travelling or other prerequisites proposed to be awarded, and stating the address to which application for the appointment should be sent.

5. The local authority shall pay to every medical officer of health, assistant medical officer of health and health inspector so appointed such salary and other emoluments as may from time to time be approved by the Minister after consultation with the Minister for the time being responsible for Local Government.

6. A medical officer of health, assistant medical officer of health or health inspector shall not, except with the written consent of the local authority employing him and with the agreement of the Minister, engage in any private practice, or in any private work arising out of or in any way connected with the discharge of his duties.

7. A medical officer of health, assistant medical officer of health or health inspector shall not be appointed for a limited time only, but shall be appointed to hold office until he resigns or is removed with the approval of the Minister and not otherwise:

Provided that a medical officer of health or health inspector may be appointed for a limited period specified by a contract or subject to such period of probation and to retirement at such age as the local authority with the consent of the Minister may prescribe.

8. (1) No person appointed to be medical officer of health or health inspector shall be removed from office unless such removal has been authorized by a resolution passed by a majority of the whole council of the local authority, and has been approved by the Minister of which at least three months' notice has been given to the officer except when the officer is removed for disciplinary reasons:

Provided that a local authority may, with the approval of the Minister, suspend a medical officer of health or health inspector from the discharge of his duties, and in the event of his removal being duly authorized such officer shall be deemed to have been removed from office as from the date of his suspension.

(2) During the period of his suspension the officer shall receive such allowances as the local authority may determine, subject to the approval of the Minister; and any emoluments withheld during suspension shall be restored to the officer in the event of the officer being restored to duty.

(3) In this Rule a "**medical officer of health**" includes, in addition to a deputy medical officer of health, an assistant medical officer of health.

9. A medical officer of health, assistant medical officer of health or health inspector shall not be appointed unless he agrees, as one of his terms of engagement, to give at least three months' prior notice before resigning his office or in default to forfeit such sum as may be agreed upon at the date of his appointment as liquidated damages.

10. A medical officer of health shall—

- (a) perform all the duties imposed on a medical officer of health by any law or by any directions from time to time made or given by the Minister, and by any instructions of the local authority applicable to his office;

## [Subsidiary]

- (b) forward weekly to the Minister by post a return, in such form as the Minister may from time to time require, of the number of cases of infectious diseases notified to him during the week ended on the preceding Saturday night, or such further information and at such intervals of time as the Minister may from time to time require; and shall at the same time forward a duplicate of the return to the medical officer of health of every district adjoining the area of the local authority for which he is appointed;
- (c) report at once and confirm by telegram to the Minister any case of plague, cholera, smallpox, yellow fever, louse-borne typhus, louse-borne relapsing fever or any serious outbreak of disease in the area of the local authority which may be notified to him or which may otherwise come or be brought to his knowledge, and shall also notify the medical officer of health of every district adjoining the area of the local authority by copies of such telegram or telegrams;
- (d) as soon as practicable after the 31st December in each year render a comprehensive annual report to the local authority, submitting a copy of such report to the Minister, on all matters affecting the public health, including any such special information as may from time to time be called for by the Minister;
- (e) advise the local authority in regard to all matters affecting the public health, and generally direct and control the functions of his department in the promotion of the public health.

11. A health inspector, as regards the area of the local authority for which he is appointed, shall—

- (a) perform under the general direction of the medical officer of health all the duties imposed on a health inspector by law, and observe and execute any directions or instructions of the local authority or of the Minister applicable to his office;
- (b) by inspection of his area, both systematically and at intervals as occasion requires, and in response to such complaints as may be received, keep himself informed of the sanitary circumstances of the areas and of nuisances therein that require abatement, and take such action as may be deemed necessary to ensure their abatement;
- (c) advise the medical officer of health with regard to the adequacy and safety of public water supplies within his area;
- (d) from time to time and forthwith upon complaints visit and inspect shops and places kept or used for the preparation and sale of any articles of food for sale or keeping for sale as regulated by law, and examine any article of food therein, and take such proceedings as may be deemed necessary;
- (e) give immediate notice to the medical officer of health of the occurrence within his area of any infectious or epidemic disease or other serious outbreak of illness which may come to his notice; and whenever it appears to him that the intervention of such officer is necessary in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house, or any other conditions affecting the health of the area, forthwith inform the medical officer of health thereof;
- (f) if directed by the medical officer of health to do so, superintend the removal of any patient suffering from infectious disease to an infectious diseases hospital, and superintend the work of disinfection after the occurrence of cases of infectious disease;
- (g) maintain adequate records of inspections carried out and the action taken by him in the execution of his duties;

**[Subsidiary]**

- (h) at all reasonable times, when requested by the medical officer of health, render to him such information as the medical officer of health may require with respect to any matter to which the duties of a health inspector relate;
- (i) as soon as practicable after the 31st December in each year, submit to the medical officer of health a full report on the sanitary circumstances of his area during the year and such other particulars as he may deem fit or as may be required by the medical officer of health.

**12.** With the consent of the Minister, a local authority may add to or vary the duties prescribed in rules 10 and 11 of these Rules assigned respectively to a medical officer of health in such manner as may appear to be expedient.

**13.** Nothing in these Rules shall prevent the local authority from making, with the sanction of the Minister, and subject to such conditions as he may prescribe, a temporary arrangement for the performance of all or any of the duties of a medical officer of health, and any person appointed by virtue of such arrangement to perform these duties or any of them shall, subject to the terms of his appointment, have all the powers and liabilities of a duly appointed medical officer of health:

Provided that any person temporarily undertaking the duties of medical officer of health shall be a medical practitioner.

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**PUBLIC HEALTH (PUBLIC MORTUARIES) RULES, 1991**

[L.N. 205/1991, L.N. 535/1991.]

1. These Rules may be cited as the Public Health (Public Mortuaries) Rules, 1991 and shall come into operation on the 1st July, 1991.

2. For the purposes of these Rules, “**public mortuary**” means a mortuary within a Government medical institution where dead bodies are kept before burial.

3. (1) Subject to these Rules, no person shall keep the dead in a public mortuary for more than ten days.

(2) Any person who fails to comply with the requirements of this Rule shall pay to the Medical Officer of Health a penalty of one hundred shillings for each day the body remains uncollected.

[L.N. 535/1991, r. 2.]

4. Where it is not practicable to remove the dead body within ten days after death due to legal reasons the Medical Officer of Health must be informed in writing by the next of kin within that period and the Medical Officer of Health shall give his ruling in writing.

5. Any person who fails to comply with any provisions of these Rules shall be guilty of an offence and shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both.

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**PUBLIC HEALTH (DISTRICT HEALTH MANAGEMENT BOARDS) RULES, 1992**

[L.N. 162/1992, L.N. 170/1998.]

1. These Rules may be cited as the Public Health (District Health Management Boards) Rules, 1992.

2. In these Rules—

“**Board**” means the District Health Management Board established under rule 3;

“**Council**” means a municipal or county established under the Local Government Act;

“**hospital**” includes a dispensary and health centre.

3. (1) The Minister may by notice in the *Gazette*, establish a District Health Management Board for any District or for such areas as may be specified in the notice.

(2) A notice under this section shall specify the area in which the Board concerned shall have jurisdiction.

(3) Each Board shall consist of not less than seven nor more than nine members constituted as follows—

- (a) a chairman appointed Minister from the members of the Board;
- (b) the area District Commissioner or his representative;
- (c) the following persons appointed by the Minister—
  - (i) one person with experience in finance and administration from within the District;
  - (ii) two persons nominated by Non-Governmental Organisations recognized by the Minister, one whom shall represent the interests of religious and the other private services;
  - (iii) one person nominated by the Local Authority having jurisdiction over the area;
  - (iv) not more than three persons to represent community interests; and
  - (v) the area Medical Officer of Health who shall be the secretary to the Board.

(4) The members of the Board, other than the *ex officio* members, shall hold office for a period of three years but shall be eligible for re-appointment.

(5) The Board shall exercise its powers and perform its duties notwithstanding any vacancy in its membership.

(6) The Minister shall appoint one member of a Board to be the chairman and the Board shall appoint the vice-chairman.

4. (1) The Board shall appoint from among its members three committees to deal with—

- (a) finance and general purposes;
- (b) quality of curative services; and
- (c) public health care services.

(2) The Board may from time to time appoint from among the members of the public *ad hoc* committees to provide technical and specialist advice to the Board.

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**[Subsidiary]****5.** The functions of the Board shall be as follows—

- (a) to superintend the management of hospital services;
- (b) to support public health care programmes;
- (c) to prepare and submit to the Minister for approval estimates of revenue and development expenditures;
- (d) to submit recommendations to the Minister on areas to levy user charges under the cost sharing programme as provided for under the Exchequer and Audit (Health Services Fund) Regulations, 1990;
- (e) to tender advice to the Minister on plans for development or promotion of the health services in the District and to carry out such plans if approved;
- (f) to supervise, monitor and evaluate the management of the district health services;
- (g) to develop and implement plans for human resources development;
- (h) to facilitate the development and establishment of systems, structures and resources in the district in support of public health services;
- (i) to ensure delivery of quality health services by all providers;
- (j) to approve plans and budgets, secure the necessary finances and oversee the implementation of quarterly or annual work plans;
- (k) to submit such statistical, financial and other reports as the Minister may require; and
- (l) to fulfil such other functions as the Minister may prescribe;

[L.N. 170/1998, r. 2.]

**6.** (1) The Board shall hold meetings quarterly, and the committees of the Board shall hold meetings at least once every two months.

(2) The meeting shall be presided over by the chairman or in his absence by the vice-chairman.

(3) The quorum shall be five members one of whom shall be the secretary of the Board.

(4) Subject to these Rules and save as otherwise may be prescribed, a Board shall regulate its own procedure.

**7.** (1) A sitting allowance in an amount to be determined by the Minister shall be payable to the members of the Board and its committees for all meetings attended.

(2) The members of the Board and its committees shall be entitled to reimbursement of their costs of travel on official business upon production of receipts or mileage claim in accordance with the existing regulations.

**8.** (1) A member shall vacate his position on the Board in the following circumstances—

- (a) if the member is absent without reasonable explanation from not less than four consecutive meetings of the Board;
- (b) in the case of a member of Non-Governmental Organization, if he ceases to hold the office by virtue of which his nomination was made;
- (c) if the member is convicted of a criminal offence carrying the penalty of imprisonment;
- (d) if the member ceases to reside or practice in the District;
- (e) if the Minister in his discretion resigns his appointment to the Board.

(2) The Minister may appoint another person eligible under these Rules to take place of any person who vacates his position under paragraph (1).

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**PUBLIC HEALTH (FEES) RULES, 2001**

[L.N. 112/2001.]

1. These Rules shall be cited as the Public Health (Fees) Rules, 2001.
2. The fees specified in the second column shall be payable for the services specified in the first column of the schedule.

**SCHEDULE**

<i>Services</i>	<i>Fees</i> <i>KSh.</i>
(a) Inspection of new schools for licensing .....	3,000
(b) Approval of building plans—	
(i) residential, single storey .....	1,000
(ii) residential, multi-storey .....	2,000
(iii) commercial, single storey .....	3,000
(iv) commercial, multi-storey .....	5,000
(c) Issuance of building occupation certificate .....	1,000
(d) Vetting of land change of user applications / part development plan ..	1,000
(e) Issuance of health clearance for registered hotels and restaurants camping settes, borders, commercial villain, cottages and other premises used for accommodation, etc., for purposes of licensing under the Hotels and Restaurants Act (Cap. 494) licensing .....	2,000
(f) Annual health certificate for fish landing sheds .....	1,500
(g) Issuance of health clearance for purposes of liquor licensing .....	1,000
(h) Routine water or food sample analysis .....	1,000
(i) Disinfection, disinsecting or deratting of premises, aircrafts, vehicles and ships .....	30 per m <sup>2</sup>
(j) Issuance of health certificate for food export or import .....	1,000
(k) Vaccinations—	
(i) Typhoid .....	400
(ii) Yellow Fever .....	600
(iii) Cholera .....	400



**NOTIFICATION OF AUTHORIZED CEMETERY**

[L.N. 114/2003.]

IN EXERCISE of the powers conferred by section 144(1) of the Public Health Act (Cap. 242), the Minister for Health declares the parcel of land specified in the Schedule to be an authorized cemetery for a public cemetery:

Provided that such use shall be in conformity with the by-laws in relation thereto made by the Town Council of Makuyu.

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**SCHEDULE**

All that piece of land comprising Land Reference No. Makuyu/Kambiti/Block 2/430, measuring approximately 0.2023 hectares, situated in Kambiti Location, Maragua District.

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**NOTIFICATION OF AUTHORIZED CEMETERY**

[L.N. 153/2003.]

IN EXERCISE of the powers conferred by section 144(1) of the Public Health Act (Cap. 242), the Minister for Health declares the parcel of land specified in the Schedule to be an authorized cemetery for the exclusive use of the Missionary Benedictine Sisters:

Provided that such use shall be in conformity with the by-laws in relation thereto made by the City Council of Nairobi.

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**SCHEDULE**

All that piece of land comprising L.R. No. 25519 (original number 1159/314), measuring approximately 0.4000 hectares, situated in Windy Ridge in the city of Nairobi, and which is more particularly delineated in Land Survey Plan No. 237802, deposited at the Survey Records Office, Nairobi.

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**PUBLIC HEALTH (TOBACCO PRODUCTS CONTROL) RULES, 2006**

ARRANGEMENT OF RULES

PART I – PRELIMINARY

*Rule*

1. Citation.
2. Interpretation.

PART II – IMPORTATION, DISTRIBUTION, SALE AND ADVERTISING OF  
TOBACCO PRODUCTS

3. Restriction on importation, sale and distribution.
4. Restriction on advertising.
5. Meaning of “clearly and prominently printed or broadcast”.

PART III – SMOKING IN PUBLIC PLACES

6. Smoking in public places.
7. Smoking in public vessels.
8. Display of signs in non-smoking areas.
9. Owner to ensure no smoking.
10. Public awareness campaigns.
11. Powers of the health officer.
12. Penalty.
13. Revocation of L.N. 122/1984 and L.N. 56/1990.

SCHEDULES

FIRST SCHEDULE

SECOND SCHEDULE – PUBLIC PLACES IN WHICH SMOKING IS  
PROHIBITED

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**PUBLIC HEALTH (TOBACCO PRODUCTS CONTROL) RULES, 2006**

[L.N. 44/2006.]

**PART I – PRELIMINARY****1. Citation**

These Rules may be cited as the Public Health (Tobacco Products Control) Rules, 2006.

**2. Interpretation**

In these Rules, unless the context otherwise requires—

**“advertisement”** includes any commercial statement, communication, representation or reference designed to or that have or are likely to have the effect of promoting or publicising a tobacco product or encourage their use, or draw attention to the nature, properties, advantages or uses of the product and includes the use in any advertisement or promotion aimed at the public of a tobacco product manufacturer's company name where the name or any part of the name is used as or is included in a tobacco product trade mark, and includes product stacking and product displays of any kind or size;

**“cigarette”** means any product which consists wholly or partly of cut, shredded or manufactured tobacco, or of any tobacco derivative or substitute, rolled up in paper and capable of being used immediately for smoking;

**“health officer”** means any of the officers appointed under section 9 of the Act;

**“media”** means broadcast, print, electronic and any other avenues of communicating to the public;

**“Medical Department”** means the Department established under section 10 of the Act;

**“package”** means the container, receptacle or wrapper in which tobacco products are sold or distributed including the carton in which multiple packages are stored;

**“public place”** means any indoor, enclosed or partially enclosed area which is open to the public or any part of the public and includes a workplace and a public conveyance as well as the areas within five metres of any doorways or entrances of the public place, workplace or conveyance;

**“public vessel”** means a public service vehicle, train, aircraft or any other means of public transport domestically or internationally, whether publicly or privately owned or operated;

**“side stream”** means smoke or other emissions released from a tobacco product or the smoke exhaled by a person smoking a tobacco product;

**“smoking”** means inhaling or exhaling the smoke of any tobacco product and includes the holding of, or control over any ignited tobacco product or device containing an ignited tobacco product;

**“tobacco product”** means a product composed, in whole or in part, of tobacco, including tobacco leaves and any extract of tobacco leaves intended for use by smoking, inhalation, chewing, sniffing or sucking and includes cigarette papers, tubes, and filters;

**“workplace”** means any place in which persons perform duties of employment or work and includes private offices, common areas, and any other area which generally is used during the course of employment or work.



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PART II – IMPORTATION, DISTRIBUTION, SALE AND ADVERTISING OF  
TOBACCO PRODUCTS

**3. Restriction on importation, sale and distribution**

(1) No person shall import, sell or distribute any tobacco product in Kenya unless the package containing the product displays the warning set out in the First Schedule.

(2) The warning referred to in subrule (1) shall—

- (a) be in both the English and Kiswahili languages;
- (b) be clearly and prominently printed on all the packages of the tobacco product comprising not less than 50% of the total surface area of the package, parallel to the top edge of the package and located on the upper portion of the front and rear panels of the package directly on the package underneath the cellophane or other clear wrapping;
- (c) be displayed on a principal display surface in a manner that ensures that none of the words of the warning will be severed when the package is opened;
- (d) bear text that is black on a white background or white on a black background in a manner that contrasts by typography, layout or colour with all other printed material on the package.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence.

**4. Restriction on advertising**

(1) No person shall advertise any tobacco product unless such advertising—

- (a) contains the warning as set out in the First Schedule;
- (b) is, subject to paragraph (a), approved in writing by the Director of Medical Services;

(2) The warning referred to in subrule (1) shall—

- (a) be in the English and Kiswahili languages or such other languages as may be applicable;
- (b) be clearly and prominently printed or broadcast in the language applicable; and
- (c) appear at the end of each broadcasted advertisement.

(3) any person who contravenes the provisions of this section shall be guilty of an offence.

**5. Meaning of “clearly and prominently printed or broadcast”**

For purposes of this Part, a warning shall be deemed to be clearly and prominently printed or broadcast if each word—

- (a) is displayed on both the front and back of the cigarette packet or container;
- (b) is of identical type;
- (c) is white on a black background or black on a white background;
- (d) is identically displayed; and
- (e) is in boldface type.

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[Subsidiary]

## PART III – SMOKING IN PUBLIC PLACES

**6. Smoking in public places**

(1) No person shall smoke a tobacco product or hold a lighted tobacco product in an enclosed indoor area of a public place specified in Part A of the Schedule.

(2) Notwithstanding the provisions of subrule (1), the Minister may by notice in the *Gazette* prohibit or restrict smoking in specified outdoor public spaces where persons are likely to congregate within close proximity to one another or where smoking may pose a fire or other hazard;

(3) Any person who contravenes any of the provisions of this Rule shall be guilty of an offence.

**7. Smoking in public vessels**

(1) No person shall smoke a tobacco product or hold a lighted tobacco product in a public vessel.

(2) Any person who contravenes any of the provisions of this rule shall be guilty of an offence.

**8. Display of signs in non-smoking areas**

(1) The owner or manager of a public place or any public vessel in which smoking is prohibited under these Rules shall post clearly legible signs stating that smoking is prohibited.

(2) The sign posted under subrule (1) shall—

- (a) be at least 30cm by 25cm in dimension;
- (b) bear text covering at least sixty percent of the sign and consisting only of the words “NO SMOKING”;
- (c) bear a sign of a cigarette in a red circle with a red line passing through the cigarette diagonally from top left to bottom right or such other pictorial representation;
- (d) be in both English and Kiswahili languages separately;
- (e) be displayed prominently all over the premises.

(3) Any person who contravenes any of the provisions of this rule shall be guilty of an offence.

**9. Owner to ensure no smoking**

(1) The owner or manager of a public place or any public vessel in which smoking is prohibited under these Rules shall take reasonable steps to ensure that smoking does not take place in the place or vessel.

(2) Without prejudice to the generality of subrule (1), the owner or manager of the premises may—

- (a) ask the person who is smoking to immediately cease smoking;
- (b) demand that the person smoking should leave the premises or vessel;
- (c) seek the assistance of a health officer, police officer or such other officers as may be lawfully authorized to enforce these Rules.

(3) A person who contravenes any of the provisions of this rule shall be guilty of an offence.

**10. Public awareness campaigns**

(1) The Medical Department shall, in collaboration with other departments and agencies, promote public awareness campaigns in the mass media relating to measures to safeguard the health of non-smokers from second-hand smoke.

(2) Nothing in these rules shall serve to limit the powers of a local authority to make by-laws for the protection of non-smokers from environmental and side stream smoke.

**11. Powers of the health officer**

A health officer may, in these Rules, exercise any or all of the powers conferred upon him by the Act.

**12. Penalty**

Any person who is guilty of an offence under these Rules shall be liable upon conviction to a fine not exceeding fifty thousand shillings or to imprisonment to a term not exceeding six months or both.

**13. Revocation of L.N. 122/1984 and L.N. 56/1990**

The Public Health (Warning on Cigarette Smoking) Rules, 1982 (L.N. 122/1984, Sub.Leg.) and the Public Health (Warning on Cigarette Advertisement) Rules, 1990 (L.N. 56/1990, Sub.Leg.) (are revoked).

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**FIRST SCHEDULE**

[Rules 3 and 4.]

“SMOKING KILLS”

“UVUTAJI SIGARA UNAUWA”

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**SECOND SCHEDULE**

[Rule 6.]

**PUBLIC PLACES IN WHICH SMOKING IS PROHIBITED**

1. Offices and work places including corridors, lounges, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas of such places.
2. Court buildings.
3. Factories.
4. Hospitals, clinics and other health institutions.
5. Educational institutions.
6. Children homes, residential houses and such other premises in which children are cared for.

**[Subsidiary]**

7. Places of worship.
  8. Prisons.
  9. Police stations and cells.
  10. Public vessels.
  11. Airports, railway stations, airfields and other public transport terminals.
  12. Markets, shopping malls and other retail establishments.
  13. Cinemas, theatres and such other halls of performance.
  14. Sports stadiums.
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**DECLARATION OF A CEMETARY, 2008**

[L.N. 47/2008.]

IN EXERCISE of the powers conferred by section 144(1) of the Public Health Act (Cap. 242), the Minister for Public Health and Sanitation appoints the land parcel, particularly of which are set out in the schedule, to be an authorized cemetery.

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**SCHEDULE**

Land Parcel No.	Acreage	Location
Nkuene/Taita/256	0.514 hectare	Imenti South District

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