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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Preventing Public Health Nuisances in the Western Province Statute No. 03 of 2012

I hereby inform that the Western Province Provincial Council Preventing Public Health Nuisances No. 03 of 2012, which was passed at the Western Province Provincial Council meeting held on 20.03.2012 and which has received the assent of the Hon. Acting Governor, Western Province on 21.06.2012 is being implemented with effect from 21.06.2012.

JAGATH ANGAGE,
Minister of Health, Indigenous Medicine,
Social Welfare and Women Affairs Probation
and Child care and Council Affairs - Western Province.

Independence Square,
Ministry of Health, Indigenous Medicine, Social Welfare and Women Affairs,
Probation and Child care Council Affairs,
Western Province,
Colombo 07,
22nd June, 2012.

STATUTE OF PREVENTING PUBLIC HEALTH NUISANCES OF THE WESTERN
PROVINCE COUNCIL No. 03 OF 2012

This Statute is for planning the rules and regulations to uplift and conserve the public health, prevent the nuisances and diseases spreading through mosquitoes, control other public health nuisances and matter related or consequential to them. The Statute is incompatible to the nuisances Activity Ordinance Act, No. 15 of 1882 amended by Act, No. 61 of 1939 and Act, No. 57 of 1946 and Breeding of Mosquito and Prevention of breeding of Mosquito Act, No. 11 of 2007.

Long Name

The powers vested by law on the provincial Administrative Institutions will not be deprived or limited by this Statute.

The Western Province Provincial Council of the Democratic Socialist Republic of Sri Lanka declares as follows:

Short Title and
date of
implementation.

01. This Statute will be called as the Statute of Preventing Public Health Nuisances of the Western Provincial Council No. 03 of 2012 and it will be effective from the date of assent by the Governor. That date should be notified through a *Gazette* Notification by the Minister.

Putting waste material into water.

02. Under this Statute, the actions stated below are offences:

(a) Throwing or depositing or allowing to enter animal excreta or any filthy dirt, garbage or anything that emits a bad smell or something that is unclean or that emits bad smell or allowing to flow from or wash out from or enter from their house or building or land or allowing any amount of similar water to become unclean or polluted into any drain, moat, waterway, lake, reservoir, water well, water vessel, flowing water or irrigation by any person.

Keeping things that are unsuitable for human consumption for selling.

(b) Keeping or allowing to keep things such as an animal, excreta, meat, fish, fruits or vegetable that are unsuitable for human consumption in a market, shop, building, bazaar, a place used to sell meat, birds such as chicken, fish, fruits or vegetable or keeping or allowing to keep in any such place or street by any person.

Selling harmful things as food.

(c) By any person, selling or presenting or publicly displaying anything that is in a unsuitable condition to be used as human food or drink or knowing that it is in a unsuitable condition or with the belief that there is reason for it to be unsuitable.

Throwing garbage on to a road or drain or public place.

(d) Any person throwing or putting or causing his/her servant to do so, any soil, waste water or rubbish or dirt or ash or broken glass or earthenware pots or any other debris or any article or material or liquid in such a manner that it is a hindrance to the health, on to a road or public place or to a by-road or drain.

Washing vehicles.

(e) Washing vehicles on a main road, street, highway, foot path or an entry road using water from water mass/column or water well or any source of water, by any person, in such a manner that it makes them unclean or is a nuisance to the public health.

Animals defiling an entry road or public places.

(f) Causing or allowing any animal or animals to pass faeces or urinate, by any person, on any main road, highway, street, foot path, entry road or public place.

Keeping garbage or any such thing.

(g) Allowing to keep any rubbish, animal parts, litter or any other thing that emits noxious smell or stench, without depositing it in a relevant vessel or in a place well covered, keeping such vessel in a state of loath some or stench or neglecting without taking suitable action to dispose the things from it and clean it by any person who resides in a house, building or land or else in a road, street or main road, or near such a place in a populated area.

Keeping a place unclean.

(h) Keeping or allowing to keep a place unclean or in a manner detrimental or bothersome to the health of any person or allowing such a place to be overgrown with plants in a manner bothersome to public health by the owner of a rentable or non-rentable house, building or land situated by a side of certain road, street or highway or by any person residing in such a place.

Loathsome drain that emits bad smell.

(i) Keeping a moat or stream or drain or cess pit or any such vessel or place that is detrimental to the public health within or on the surface of any house, building or land by a person residing in or owning such a place.

Rearing animals such as cattle, goats, pigs etc.

(j) Rearing cattle, goats, swines, chicken, ducks, turkeys and other birds against formal standards imposed by the rules and regulations, ordinance acts, Statutes or conditions in such a manner that is a nuisance or detrimental to the public or the health of any person.

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| (k) Any person, whoever he/she may, who owns a house, building or a parapet wall leaving it in a crumbling state or leaving a house or a building in a state of risk to the persons residing in them or to the houses and buildings in the neighbourhood or to those who reside in them or passers-by. | Leaving houses etc. in a dilapidated state or to dilapidation: |
| (l) Allowing waste or stagnated water to be in a place inside one's place of living or allowing toilet or cess pit material to overflow or to leak out by any person. | Allowing waste or stagnated water to stagnate further |
| (m) Eventhough under a licence obtained from a relevant authority utilizing any place situated within the area of authority of the Western Province Provincial Council for certain workshop or place of business in a manner detrimental to public health or violating the conditions stated in that licence. | Keeping a workshop in such a manner that it is detrimental to public health. |
| (n) Keeping or leaving in any place any article, material or liquid by any person in such manner that it is an obstacle to anyone or hindrance to the health of anyone. | Keeping waste material in such a manner that they are detrimental to health. |
| (o) Anyone making amplifications, broadcasts, or transmits very loud sound through sound systems or television or any other media in any residential area, commercial place or an open place where there is movement of people in such a manner that it is a hindrance to the public. | Creating hindrance through radio or any other media. |
| (p) Anyone, in a private residence, amplifying, broadcasting, or transmitting very loud sound through a sound system, radio, television or cassette player or any such appliance in such a manner that it is a hindrance to the neighbouring residential places in that environment. | Oppressions created through sound. |
| (q) Engaging in trade activities, production food items, engaging in technical activities, involvement in industrial work, conducting a industry or acting in such a manner that it generates sound that is oppressive to residential places, schools, hospitals or other places where people live or where there is movement of people or doing any other thing which creates oppressive sound, which is detrimental to public health by any individual in a house or trade place or hostel or restaurant in any environment. | Engaging in trade activities in a manner that generates sound. |
| When deciding the sound levels for the sub clauses (o),(p) and (q) sound limits imposed by the National Environment Act, No. 47 of 1980 and subsequent amendments to the said act. | |
| (r) Carrying out unauthorised construction, repairing motor vehicles or machinery or storing, depositing or putting building materials, damaged materials or timber or sown wood or any type of material by any individual on the main roads, streets, highways, foot paths, sidewalks or drain maintained in relation to the roads in a manner that obstructs them. | Obstructing drains and roads. |
| (s) Putting or allowing to flow waste water or toilet and/or urinal waste that is disposed from any private or public premises, by any person, on to a main road, street, highway, foot path, access road, or into a drain of such or a land adjacent to a public place. | Allowing waste water and toilet water to flow. |
| (t) Creating an obstacle on a water way that is a natural path of draining of water. | |
| 03. (1) Any person, whoever he/she may, engaging in any of the offences stated above in Sub clauses a, b, c, d, e and f of Clause 2 will be an offender under this Statute, | Ability to impose a fine for some offences shown under Clause 2. |

(2) According to the above Sub Clause 1 any person guilty of any offence, when found guilty after a summary trial in the presence of a magistrate, the magistrate could order fine of not less than Rupees Five Thousand and not more than Rupees Twenty Five Thousand.

(3) The amount imposed as a fine in the clause 3(2) above shall be credited to the Provincial Council Fund by the Magistrate.

Ability to order
to take some
action relevant
to avoid
hindrance to
public health.

04. (1) According to the rules and regulations stated under the Sub Clauses h, i, j, k, l, m, n, o, p, q, r, s, t of the above Clause 2, on the occasion if the relevant officer or the authorised officer finds that in any premises or anything that is kept or being maintained there is detrimental to the public health then the relevant officer or the authorised officer could order through awritten notice to the owner or the resident or the caretaker of that premises to follow or take one or more of the steps stated in that written notice within the period stated specifically in that notice.

(a) To maintaining cleanly a house, building or land located in any street, highway or public road or in the neighbourhood of such a place in such a manner that it is not detrimental to the health of any person.

(b) To remove from that place a moat, a gutter, a drain, a pit, cesspit or any such thing or a vessel which emits bad odour that is detrimental to public health or arranging such a place in a manner that is not oppressive to the public.

(c) To rear cattle, goats, pigs, ducks, turkeys or other birds in such a manner that is not detrimental to public health.

(d) To arrange or remove a dilapidated house, building or parapet wall so that it will not be a danger to the residents or the neighbours.

(e) To remove or not construct any fence, parapet wall, concrete or iron covering on any street, road, path or public drain in a manner obstructing that street, road, path or drain,

(f) To avoid allowing waste or polluted water to stagnate in any place within the place by anyone residing in that place or stop the material in a toilet or a cesspit overflowing or leaking out.

(g) To take appropriate steps to maintain the functioning of any workshop or business place without being oppressive to public health.

(h) To keep any article, material or liquid in a manner that it will not be oppressive or hindrance to public health.

(i) To stop broadcasts, transmits or amplifying with high sound, through a sound system, television or any other electronic media, in an open place where people move about or in a place of business, in a manner that it is oppressive to the public.

(j) To stop broadcasting or transmitting or amplifying sound through a sound system, radio, television or CD player or any such appliance with high sound within any private residential place which is oppressive to neighbouring residential places of that premises.

(k) To not engage in trade activities, production of food, engage in industrial activities, doing workshop work or conducting an industry, which generates oppressive sound to

residential place, school, hospital or other places where people live or move about or stop such other activity that generates any oppressive sound.

(l) To remove any unauthorised construction that obstructs a main road, road, footpath, sidewalk or a drain maintained in relation to a road, or not to store or deposit or place building material, damaged material, block of wood or sown wood or timber or not to carryout repairing of motor vehicles and machinery.

(m) To not put or allow overflowing of waste water or toilet or urinal wastes discharged from any private or public premises on to any main road, road, footpath, entry road or the drain in that road or public place or adjoining land.

(n) Not to create obstruction or to remove obstruction to the flow of water along the natural waterway that is there to allow water to flow.

(2) As per above stated sub clause 1 of clause 4 of this Statue, any person who violating the orders or neglecting to comply to the orders of, prevent from carrying out or remove or stop certain nuisance or thing which is detrimental to public health shall be an offender under this statute.

Non compliance to orders stipulated under sub clause 4(i) being an offence.

(3) Any person who is guilty of an offence according to the above Sub Clause 2 will be subjected to a punishment under Clause 8 of this Statute.

05. Owner/resident and/or caretaker of every premises should take the following actions to assure the actions of preventing and removing all diseases bred by mosquitoes and destroying and removing the breeding places of mosquitoes.

Process of preventing diseases and oppressions spread by mosquitoes.

(1) To remove or destroy open tins, bottles, boxes, coconut shells, coconut husks, tyre or other material or vessel containing water, which are contained in or within certain premises, or dispose them usefully and safely in any other way in a manner water will not stagnate .

(2) Removing all obstacles so that water could flow well in rain gutters, gutters, pipes through which water flows or drains.

(3) Maintaining in a good state the water vessels, water tanks, refrigerators, air conditioners or any other vessels in which water is stored or stagnated by keeping them closed or covered in order to prevent breeding of mosquitoes.

(4) By maintaining any water well situated in the premises and its surrounding in a good state, maintaining it in manner that mosquitoes cannot breed and through this preventing breeding of mosquitoes.

(5) Keeping any artificial pond, water reservoir or pond in any premises in a manner that mosquitoes cannot breed.

(6) Removing the shrubs and plants that is congenial for water to stagnate in a manner that mosquitoes could breed and any thicket and all kinds of plants that have become a place for water to stagnate in a place whether it is situated inside or outside of any building or structure that is located in any premises used as a residential place or suitably removing that danger.

(7) Removing or preventing any other background within or inside the premises that is congenial for breeding of mosquitoes.

- (8) In a premises where construction is being carried out, maintaining that premises in a manner that mosquitoes will not breed there and in buildings that are with a concrete roof, that roof should be maintained in such a manner that in no way water should stagnate on it.
- (9) Maintaining without cavities by sealing water drainage pits or septic tanks of a premises so as mosquitoes breeding therein cannot come out, or prevent from using iron or P.V.C pipes on those pits that allow harmful air to emit.

Ability to impose a spot fine on the occasion of finding that there are mosquito larvae.

06. (1) In any premises stated in the above Sub Clause 1 of Clause 5, on occasion when the relevant officer or the authorised officer finds that mosquito larvae have been bred within that environment in open tin, bottle, box, coconut shell, coconut husk or any other articles or article where water is stagnated, when the owner, resident or caretaker of the place where the offence has taken place accepts that offence, then on his wish instead of filing charges in the presence of a magistrate, the authorised officer could impose a spot fine of not less than Rupees Five Hundred and not more than Rupees Three Thousand in the presence of any Government Officer. The owner or the resident of that place should remove or destroy the vessel or the article that is full of water which contains or not contains mosquito larva, in the presence of the relevant officer or the authorised officer.

Legal action may be taken for defaulted spot fine payments.

- (2) The spot fine stated in 6(1) should be paid to a government post office situated in the authority area of the Western Province Provincial Council and a receipt should be obtained and that receipt should be submitted to the Health Officer of that division within 10 days. If it is not carried out, it is compulsory to file legal action against him/her in a magistrate court.
- (3) The spot fine stated in 6(1) should be paid to the General Fund of the Western Province Provincial Council.
- (4) Those who do not adhere to the order stated in the above Sub Clause 1 of the Clause 5 and the places shown by the Sub Clauses 2, 3, 4, 5, 6, 7 and 8 the owners or residents of all premises, where breeding of mosquito larvae is allowed and where mosquito larvae have been bred, be presented to the magistrate court of that division and filing action is compulsory according to the Clause 8 of this Statute.

Ability to order the owner or resident to take specific action.

07. According to the rules and regulations stated in the above Clause 5, on the occasion when the relevant authority or the authorised officer finds that in any premises or anything that has been kept there or maintained there is congenial to breeding of mosquitoes, the relevant authority or authorised office could order the owner, resident or caretaker through a written notice to follow or to take necessary action on, within the specifically stated period in that notice, one or more of the following actions:
 - (1) To repair so as to properly let water to flow in rain gutters, gutters, pipes or drains, located within certain premises or certain building contained therein and are filled with water making those places congenial to breeding of mosquitoes.
 - (2) To maintain in good condition the water vessel or a tank to collect rain water, water tank, refrigerator, air conditioner or any other vessel for collecting water in certain premises by keeping it closed and covered and to construct or repair so that the water in it could be disposed from time to time.
 - (3) Removing the water from a tank that collects rain water, water tank or artificial pond or reservoir, in any premises cleaning them, and when they are not used anymore, to close them by the owner or the resident.

- (4) To maintain any water well in the environment in such manner to prevent breeding of mosquitoes.
 - (5) To fill up any excavation pit that allows collection of water and pollute it, unused water well, cess pit, pond or any other place, removing the water from them or take other suitable action for it.
 - (6) To remove the water from marshy land, watercourses and places where water stagnates in any premises or removing the danger by biological methods;
 - (7) To remove, pluck off and destroy water plants or any other plant or plants that could hold water that have been found to facilitate breeding of mosquitoes;
 - (8) To maintain a premises where construction is in progress or the buildings with concrete roof in such a manner that water will not stagnate to breed mosquitoes.
 - (9) Maintaining without cavities by sealing water drainage pits or septic tanks of a premises so as mosquitoes breeding therein cannot come out, or prevent from fixing iron or P.V.C. pipes on the concrete slabs that cover those pits.
 - (10) To take any other steps those are considered necessary by the authority or authorized officer;
08. (1) Any person who does the offence shown under the Clause 2 of this Statute or violates any order or orders, imposed by the 5th Clause of this Statute or violates the order made according to the Clause 4 and/or 7 or neglects to act accordingly to it, or any person stated in Sub Clause 4 of Clause 6 is guilty of an offence under this Statute,
- Not acting according to the orders imposed by Clauses 4, 5 and 7 is an offence.
- (2) Any person, who is accused of any offence according to the above Sub Clause (1), after a summary trial in the presence of a magistrate, when found guilty of the offence, is subject to a punishment as stated below:
- (a) If that offence is done for the first time the magistrate could impose a fine of not less than Rupees Three Thousand and not more than Rupees Twenty Five Thousand or not more than 06 months light imprisonment or both punishments stated above.
 - (b) If the offence is done for the second time or after that the magistrate could impose a fine of not less than Rupees Five Thousand and not more than Rupees Fifty Thousand or an imprisonment not more than 06 months or both punishments shown above.
- (3) Every person engaged in an offence under sub clause (1), in the event of carrying out the same offence even after the specific number of days allotted in the announcement made by the authorized officer from the date of revelation of that offence, apart from the penalties mentioned in sub clause (2), shall be subjected to an additional penalty of rupees two hundred (Rs.200) for each day that offence is continued.
- (4) In addition to the imposition of the penalty stated in sub clause 8(2), when convicted on neglecting to act in accordance with a task assigned under clause 7 of this statute, the owner, occupier or caretaker of that premises may be ordered by the Magistrate to comply to the orders given by the authorized officer and to act according to the said tasks in under to prevent actions detrimental to public health.

Relevant authority should get work done or take action.

09. An owner, occupier or any person of certain premises who has been issued with a written notice under Clauses 4 and 7 of this Statute, on the occasion neglecting to act in compliance to orders specified in that notice or not taking action as per such orders within the time period allotted in that notice, or in an instance an owner or a caretaker cannot or difficult to be identified definitely, if the authority or his authorised officer decides that the public nuisance should be removed immediately, the following measures may be taken:

- (1) Removing that public health nuisance, through the actions decided by the relevant authority, under the supervision of the relevant authority or the authorised officer;
- (2) Money spent as expenses incurred for removing that public health nuisance or taking necessary steps should be paid by the owner or resident or relevant person of that premises and according to the voucher given indicating that amount, that amount should be paid within 03 working days. The receipt thus obtained should be submitted to the office of the Medical Officer of Health where that premises is located.
- (3) On the occasion that amount of money is not paid within the specified period and in the proper manner a law suit could be filed in relevant magistrate court against that person or owner or resident.

Reimbursing expenses incurred as expenditure under Clause 9.

- (4) On occasions when neglecting the payment of money under Sub Clause (3) of Clause 9, a certificate containing the details about the amount of money that should be levied as expenses incurred on fulfilling that duty or taking steps should be submitted by the relevant authority or authorised officer to the magistrate holding jurisdiction of that division. The magistrate could order to pay that amount of money stated in that certificate after a summary trial on levying that amount of money.
- (5) During the legal action relevant to above Clause 3, when the relevant person is found guilty according to Clause 8(2) that person is liable to pay in addition to the applicable fine for creating a public health nuisance and the cost of the steps taken by the relevant authority or the representative of the relevant authority to remove that nuisance and a fine of 50% of the total amount of the fine.
- (6) Any amount of money imposed as fine under the Sub Clause 8(2), the amount of money imposed as an additional fine under sub clause 8(3) and the amount of money imposed as an additional fine under sub clause 9(5) should be remitted to the Provincial Council Fund by the magistrate.

Spraying pesticides.

10. (1) By the written notice sent, by the authority or authorised person, to the owner or resident or any relevant person of any premises, that owner or resident could be ordered to spray, on the advice of the relevant authority, the pesticide or biological control method stated in that notice within the stated period on any pond, water vessel, reservoir or any other place, which is found to gather water and promotes public health nuisance.
- (2) Every person who neglects to take action, within the stipulated period, according to the notice issued as stated in the above Sub Clause (1) will be guilty of an offence under this Statute and on such an occasion that person will be subject to the punishment stated under the Sub Clause 8(2).

Opposing or obstructing the relevant authority and such persons.

11. (1) A person vested with the authority to carry out or fulfil the work or duties of the relevant authority or authorised officer under this Statute, when that person carries out or fulfils that work or duty lawfully, any owner, resident or any other person knowingly or wilfully should not show objection or obstruct the relevant authority or authorised officer or another person vested with such authority.

- (2) Any owner, resident or any other person who acts by violating the rules and regulations of the Sub Clause (1) of this Clause will become guilty of an offence under this Statute and convicted as guilty after a summary trial conducted in the presence of a magistrate should be subjected to a fine of not less than Rupees Ten Thousand and not more than Rupees Fifty Thousand or imprisonment for a period not more than six (6) months or both fine and imprisonment.
12. (1) The owner or resident or any other person should not knowingly or wilfully take any situational action that will make way to,
- (a) incomplete any step taken to prevent breeding of mosquitoes that is being carried out or followed in any premises or
- (b) reduce the efficiency of any step taken to prevent any public health nuisance that is being carried out or followed in any premises.
- (2) Any owner, resident or any other person who acts by violating the rules and regulations of the Sub Clause (1) will become guilty of an offence under this Statute and convicted as guilty after a summary trial conducted in the presence of a magistrate should be subjected to a fine of not less than Rupees Five Thousand and not more than Rupees Twenty Five Thousand.
- (3) In addition to the penalty stated in above Sub Clause (2), the magistrate order the action carried out or action taken to reduce efficiency be ameliorated.
13. In any premises when more than one person is resident or any property is jointly owned by more than one person, to enforce the rules and regulations of this statute, acting or neglecting according to the orders imposed by this statute or under it, each such resident and each owner should be subjected separately to the responsibility.
14. (1) Any drain, stream, waterway or marshy land, cemetery, garbage disposal place or any land, entrusted to be maintained properly by any local government institution situated within the administrative limits of Western Province Council or Road Development Authority or the provincial Road Development Authority or Urban Development Authority or Low land Development Board or any other authority or institution in the event it is found to have become a place congenial for breeding of mosquitoes due to neglect or delay in properly maintaining it by the said institution, the relevant authority has the power to issue order he/she considers necessary or appropriate to correct that situation and prevent breeding of mosquitoes.
- (2) If there is any local government institution or Road Development Authority or Provincial Road Development Authority or Urban Development Authority or Lowland Development Board or any other authority or institution that neglects to take action according to any order issued under Sub Clause (1), it is guilty of an offence under this Statute and the relevant authority should file a law suit against that institution or should file legal action against any other authority appointed to act on behalf of that institution under any law applicable to institutions.
15. Under this Statute, the relevant authority or authorised officer or an officer vested with power by the relevant authority is empowered to enter any premises at an ordinary time.
- (1) to examine or inspect nuisances or nuisances to public health or other nuisances stated in this statute

Decreasing the efficiency of any steps taken.

Co-owners and co-residents should be subjected separately.

When the local government institutions, etc entrusted with the maintenance of drains, canals etc. failed to maintain them they should be issued with an order.

Authority to enter and examine.

- (2) the relevant authority or authorised officer or an officer vested with power by the relevant authority is empowered to examine or inspect whether the action has been taken according to the written instruction given to the resident or the owner.
- Assigning the powers of the relevant authority.
16. (1) On any occasion considered to be necessary or appropriate by the relevant authority, to implement or fulfil any work or duty assigned to him/her under this statute, authority could be vested on the Director of Divisional Health Services of the Western Province and if the work or duty is assigned to any officer, that work and duty should be fulfilled by that officer under the control and supervision of the relevant authority.
- Issuing orders by the relevant authority.
- (2) Orders considered necessary in relation to the rules and regulations of this Statute and the order made under them by the relevant authority could be carried out by the Director of Divisional Health Services or a Medical Officer of Health or the Provincial Administrative Public Health Inspector or a District Administrative Public Health Inspector or a Administrative Public Health Inspector or a Public Health Inspector and every officer who has received such order should act accordingly to them.
- (3) Any officer who has been vested with the authority under the Sub Clause (1) of this Clause, when carrying out and fulfilling the work and duty so vested on him/her, should implement the authority of entering and inspecting in the same manner as provided to the relevant authority under the Clause 15 of this Statute and any obstruction made to that officer will be an offence under the Clause 12 of this Statute.
- An offence should be symbolic.
17. Whatever contradiction stated in the Code of Criminal Procedure Act No. 15 of 1979, every offence under this statute should be considered as a symbolic offence for the interpretation of that Act and its function.
- Relevant authority and such others should be peace authorities.
18. Under the Code of Criminal Procedure Act No. 15 of 1979, for the matter of implementing the authority vested on all officers when fulfilling that work or duty by the relevant authority or authorised officer and any other person who has been assigned his/her work and duty, according to the meaning of the Code of Criminal Procedure Act No. 15 of 1979, should be considered as Peace Officers.
- Handing over the notice.
19. Under this Statute, if a certain person is committing the offence the notice to be handed over to that person could be personally handed over to him/her or to any other person residing in that premises or by pasting it in a place where it could be obviously seen, or by making it to be received through Registered Post.
- Institution of proceedings.
20. A prosecution for an offence under this Statute or any regulations made thereunder shall not be instituted;
- (a) except by an Authorized Officer ; and
- (b) after the expiration of a period of three months from the date of detection of that offence.
- Rules.
21. Western Province Minister in charge of the subject could compile rules in relation to the following matters:
- (1) (a) In relation to the disposal of dust, ash, rubbish, dirt, fertilizer, animal waste and faeces, carcasses kept collected in any place by the owner of any premises or resident or the owner of any animal and in relation to avoid keeping such things collected, in a street or on the side of a street in a manner that it becomes an oppression to any person;

- (b) For cleaning, covering or filling such places like ponds, water courses, open ditches, drains and letting to run water having or used to collect unclean water or things that could be uncongenial to health;
 - (c) For purifying, cleaning, providing ventilation to and disinfecting houses, buildings, religious places, any public place and places where people gather by the owners or residents of any premises and those who are responsible for the safety of that premises;
 - (d) For avoiding and eradicating epidemics, situational diseases or contagious diseases spread by touching;
 - (e) Formats that should be used for the purpose of orders compiled under this statute and formats used when filing a lawsuit at the court of Law by the relevant officer or authorised officer;
 - (f) Action that should be taken and the pesticide that should be used by the owner or resident of any premises to avoid public health nuisances;
 - (g) Issuing guidelines for the eradication of diseases spread through mosquitoes to avoid public health nuisances;
 - (h) In relation to a penalty ordered by the court of Law regarding an offence under this statute, awarding to the authorized officer or officers who discovered the offence a certain amount of the penalty levied as an incentive.
 - (i) In relation to any other matter necessary for the implementation of the rules and regulations of this Statute.
- (2) Every rule that is made by the Minister should be published in the Gazette and they should be implemented from the date of publishing or from the date stated in that order.
 - (3) Every rule that is made by the Minister, after publishing in the Gazette, should be presented to the Western Province Provincial Council for approval as soon as possible.
 - (4) Any rule that is not so approved should be considered as invalid from the date of that annulment, but there should not be any prejudice for anything that has been done earlier under it.
 - (5) The date of any rule that is considered as made invalid should be published in the Gazette.
22. The authority to carry out any work or duty assigned to the relevant authority under this Statute, when it is assigned to certain authorized officer under the Sub Clause (2) of the Clause 16 of this Statute, according to the situation, in relation to any action, with good intention, carried out or assumed to be carried out by that Authorized Officer, no civil or criminal action should be taken in the court against that Authorized Officer. Security for bona-fide acts.
 23. Assisting in the actions taken under this Statute to avoid public health nuisance is the responsibility of all government officers including the Police, Civil Security Task Force, Grama Niladhari and Local Government Institutions. Officers of public Service to provide assistance.
 24. For the work of this Statute the Director of Provincial Health Services should be the relevant authority and he/she should take the responsibility to apply the rules and regulations of this Statute fruitfully. Relevant Authority.

25. The implementation of the work, duties and authority of this Statute should be carried out by the relevant authority under the direction and supervision of the Secretary to the Ministry.

Authorised
Officers.

26. (1) At any occasion when the relevant authority considers necessary and suitable, to implement or fulfil any work or duty assigned to him/her under this Statute, authorised officers could be appointed under the control and supervision of the relevant authority.
- (2) Under the above Sub Clause the authorised officers should be Directors of Divisional Health Services, Medical Officers of Health, Provincial Administrative Public Health Inspectors, District Administrative Public Health Inspectors, Administrative Public Health Inspectors of the Offices of the Medical Officer of Health of the Western Province, Chief Public Health Inspectors of the relevant Local Government Institutions of the Western Province and all other Public Health Inspectors. These authorised officers should be the Authorised Officers only in their duty area under this Statute.

Sinhala version
is valid when
there is
contradiction.

27. If there is any contradiction among the Sinhala, Tamil and English versions of this Statute, then the Sinhala version should be enforced.

Interpretation.

28. Unless an interpretation becomes necessary in relation to terms in this Statute :

“Minister”

means the minister in charge of the subject of Health in the Western Provincial Council.

“Secretary to the Ministry”

means the Secretary to Ministry in charge of the subject Health in the Western Province.

“Director of Provincial Health Services”

means the Director of Health Services, Western Province or any person appointed to perform the duties of that post or to cover the duties or to fulfil the duties.

“Director of Divisional Health Services”

means the Directors of Divisional Health Services of the Western Province Provincial Department of Health Services appointed for the Districts in the Western Province or the officer appointed to perform the duties of that post or to cover the duties or to fulfil the duties.

“Medical Officer of Health”

means an officer appointed to the post of Medical Officer of Health to the Western Province Department of Health Services or an officer appointed to perform in that post or cover the duties or to fulfil the duties and Chief Medical Officer or Additional Medical Officer of Health or Medical Officer of Health serving within the administrative limits of any municipality or in that municipality.

“Provincial Administrative Public Health Inspector”

means an officer appointed; to the post of Provincial Administrative Public Health Inspector of the Western Province Provincial Department of Health Services or to perform the duties of that post or cover the duties or fulfil the duties.

“District Public Health Inspector”

means an officer appointed; to the post of District Administrative Public Health Inspector of the Western Province Provincial Department of Health Services or to perform the duties of that post or cover the duties or fulfil the duties.

“Administrative Public Health Inspector”

means an officer appointed; to the post of Administrative Public Health Inspector in medical officer of health functioning under the Western Province Provincial Department of Health Services or to perform the duties of that post or cover the duties or fulfil the duties.

“Chief Public Health Inspector”

means an officer appointed; to the post of Chief Public Health Inspector of an Local Government institution of the Western Province or to perform the duties of that post or cover the duties or fulfil the duties.

“Public Health Inspector”

means an officer appointed to the post of or to perform the duties of that post or cover the duties or fulfil the duties of the Public Health Inspector of the Western Province Provincial Department of Health Services.

“Resident”

means a person, who on his/her behalf or as a representative of another person, is holding the custody, management or control of a premises or residing in that premises.

“Owner”

means any person who is the owner, lessee or having some ownership to receive the rent or produce of that premises or any person, institution, corporation or office holding the responsibility of properly maintaining that premises.

“Caretaker”

means a person holding custody, management or control of certain premises as a representative or employee of certain person or certain person appointed by the court of law as a holder of power-of-attorney to that premises or on behalf of a minor.

“Person”

means any individual or any institution or a private board.

“Public Nuisance”

Certain Nuisance caused through water pollution, air pollution, soil pollution and loud sound or by any other activity, conducted by the man himself in a manner obstructing better maintenance of physical, psychological, economical and social conditions of human beings is public Nuisance.

“Premises”

means any land and any building situated on it or a part of that building.

“Article”

Means certain thing made up from anything including glass, metal, wood, plastic, fibre or rubber which cannot be used or consumed yet, can become a threat to the health of certain person.