

THE STATUTES OF THE REPUBLIC OF SINGAPORE

ENVIRONMENTAL PUBLIC HEALTH ACT

(CHAPTER 95)

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Environmental Public Health Act

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“Building Authority” means the Deputy Director-General, Development and Building Control Division of the Public Works Department;

“Commissioner” means the Commissioner of Public Health appointed under section 3 and includes a Deputy Commissioner of Public Health and an Assistant Commissioner of Public Health appointed under that section;

“Director-General” means the Director-General of Public Works appointed under section 13 of the Local Government Integration Act, and includes a Deputy Director-General of Public Works and an Assistant Director-General of Public Works appointed under that section; Cap. 166.

“dwelling-house” includes a building or tenement wholly or principally used, constructed or adapted for use for human habitation;

“footway” includes footways and verandah-ways at the sides of streets;

“garden refuse” means the refuse from garden and agricultural operations;

“house” includes dwelling-house, warehouse, office, shop, school and any other building in which persons are employed;

“infectious disease”, except in section 99, has the same meaning as in the Infectious Diseases Act and includes any skin disease which, in the opinion of the Commissioner is, or is likely to be, contagious; Cap. 137.

“Medical Officer of Health” means any registered medical practitioner in the service of the Government who is for the time being carrying out the duties of a health officer in any area or district in Singapore or the port limits thereof, and includes the Airport Health Officer, the Port Health Officer and any registered medical practitioner in the service of the Government who is engaged in duties arising out of or connected with this Act;

“nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or

is likely to be injurious or dangerous to health or property;

“occupier” means the person in occupation of any premises or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“owner” means the person for the time being receiving the rent of any premises, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the land or house comprised in the premises were let to a tenant;

“place of public resort” means a building or a defined or enclosed place used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, mosque, temple or other place where public worship is or religious ceremonies are performed, not being merely a dwelling-house so used, or as a cinema, theatre, public hall, public concert room, public ballroom, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto by ticket or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose;

“premises”, except in section 41, means messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority, and includes any place or structure, or any part thereof, used or intended to be used for human habitation or for employment or any other purpose whatsoever;

“private street” means any street not being a public street;

“public health auxiliary” means a public health inspector, an assistant public health inspector, or a public health overseer, in the service of the Government;

“Public Health Engineer” means a Public Health Engineer appointed under section 4;

“public officer” includes any officer of any statutory board or body who is authorised in writing in that

behalf by the Commissioner to carry out all or any of the powers conferred on a public officer by any of the provisions of this Act;

“public street” means any street over which the public has a right of way which was usually repaired or maintained by the City Council or the Rural Board before 1st September 1963, or which has been transferred to or has become vested in the Government under the Local Government Integration Act or in any other manner; Cap. 166.

“showboard” includes showcase and any description of container used for the display of any article or thing;

“stable refuse” means the dung or urine of horses, cattle, sheep, goats or swine, and the sweepings or refuse or drainage from any stables or cattle-sheds or places for keeping sheep, goats, swine or poultry;

“street” includes any road, fly-over, square, footway, back-lane or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public has a right of way thereover or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of the street;

“trade refuse” means the refuse of any trade, manufacture or business or of any building operations.

PART II

ADMINISTRATION

3.—(1) The President may, by notification in the *Gazette*, appoint an officer to be styled the Commissioner of Public Health, and such number of Deputy Commissioners of Public Health and Assistant Commissioners of Public Health as he may think fit.

Appointment of Commissioner, Deputy Commissioners and Assistant Commissioners of Public Health.

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(2) The Commissioner shall have the superintendence of all matters relating to this Act subject to the general or special directions of the Minister.

(3) The Deputy Commissioners of Public Health and the Assistant Commissioners of Public Health shall have and may exercise all the powers conferred on the Commissioner by or under this Act, subject to such limitations as the Commissioner may think fit to impose. [4

Public Health Engineers.

4. The Minister may, by notification in the *Gazette*, appoint one or more Public Health Engineers for the purposes of this Act. [5

Public health auxiliaries and other employees.

5. The Minister may appoint such number of public health auxiliaries and other employees as he may think fit for the purposes of this Act. [6

Committees.

6. The Minister may appoint such number of committees as he may consider necessary for any of the purposes of this Act. [7

PART III

PUBLIC CLEANSING

Definition.

7. In this Part —

“developer” means any person or company, association or body, corporate or unincorporate, who or which constructs or causes to be constructed any building, block of flats, housing estate, shopping centre or a commercial or industrial complex;

“public place” means any street, park, garden, promenade, fountain, traffic island or circus, playground, river bank or seashore, whether above or below high water mark, place of public resort or any place to which the public has access;

“vehicle” means any vehicle whether mechanically propelled or otherwise. [8

Cleansing of streets

Commissioner to cause public streets to be cleansed.

8. The Commissioner shall cause the public streets, including the footways thereof, to be properly swept and cleansed and watered so far as is reasonably practicable and the dust, dirt, ashes, rubbish and filth of every sort found thereon to be collected and removed. [9

9.—(1) The owner and the occupier or the owners and the occupiers of any premises abutting upon any private street to which they have access or the right of access from such premises shall cause such portion of the street as fronts, adjoins or abuts on their premises and up to the centre thereof, including the footways, to be properly swept and cleansed and watered so far as is reasonably practicable and the dust, dirt, ashes, rubbish and filth of every sort found thereon to be collected and removed.

Duty of owner and occupier to keep clean private streets, etc., abutting on their premises.

(2) The owner and the occupier or the owners and the occupiers of any premises shall cause the immediate vicinity of such premises, including the footways and backyards abutting thereon, and the airwells, courtyards and quadrangles thereof to be kept clean and free of garbage, refuse, litter or other matter or any accumulation of water.

(3) The Commissioner may by notice in writing require any person upon whom any duty is cast under subsection (1) or (2) to sweep and cleanse and water such street and to collect and remove the dust, dirt, ashes, rubbish and filth found thereon at such time or times as are stated in the notice.

(4) Any person to whom such notice is given who fails or neglects to comply with it shall be guilty of an offence and shall be liable on conviction, without further notice, to a fine not exceeding \$50 for every day during which such non-compliance continues, and the Commissioner may himself, without prejudice to any proceedings under this subsection and whether before or after the commencement or conclusion of the proceedings, cause the work to be done and the owner shall pay to the Government the costs and expenses thereof in the manner provided under section 121.

(5) The Commissioner may contract with any owner or occupier as aforesaid for sweeping and cleaning such street and for collecting and removing the dust, dirt, ashes, rubbish and filth for any period the Commissioner thinks fit.

(6) The amount due by the contracting persons to the Government shall be recoverable in the manner provided under section 121. [10

10.—(1) The Commissioner may cause any number of movable or fixed dustbins or other convenient receptacles wherein dust, dirt, ashes and rubbish may be temporarily

Dustbins in streets.

deposited to be provided and placed in proper and convenient situations in public streets and private streets and in such other places as he may think fit, and may cause vehicles to go round to collect the same.

(2) No dung, night-soil or human excreta or trade refuse, stable refuse or garden refuse shall be deposited in any such receptacle or vehicle:

Provided that such garden refuse comprising grass, small twigs and the like as may be reasonably accommodated in such receptacles may be placed therein.

(3) Any person who deposits or causes or permits to be deposited any dung, night-soil or human excreta or trade refuse, stable refuse or, except as provided in subsection (2), garden refuse in any such receptacle or vehicle as aforesaid shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500. [11

Removal of refuse

Commissioner may apply systems for collection and removal of refuse.

11.—(1) The Commissioner may, with the approval of the Minister, at any time, apply to all houses, lands, buildings and other erections within such area or areas as are from time to time delineated by him for this purpose any system which he thinks fit for the collection and removal of night-soil, human excreta, dust, dirt, ashes, offal, rubbish, refuse and waste matter of every description from such houses, lands, buildings and other erections.

(2) Before any such system is applied to any area under this section, one month's prior notice thereof shall be served on the occupier of any house or other building within the area to which such system is to be applied.

(3) The notice mentioned in subsection (2) shall be in the Malay, Chinese, Tamil and English languages. [12

Removal of trade refuse, etc.

12.—(1) Notice may be given by the Commissioner to any person carrying on a trade, manufacture or business or occupying any stable, cattle-shed or place for keeping sheep, goats, swine or poultry, requiring the periodical removal of trade refuse or stable refuse.

(2) Any person to whom such notice is given and who fails to comply with it shall be guilty of an offence and shall be liable on conviction, without further notice, to a fine not

exceeding \$200 for every day during which such non-compliance continues.

(3) The Commissioner may contract with any person for removing any night-soil, human excreta, dung, urine, trade refuse, stable refuse or garden refuse from his premises upon such terms and conditions and for such periods as the Commissioner thinks fit.

(4) The amount due by any contracting person to the Government shall be recoverable in the manner provided under section 121.

(5) If any dispute or difference of opinion arises between the person to whom such a notice as is mentioned in subsection (1) has been given and the Commissioner as to what is to be considered as trade refuse or stable refuse, the Minister, on request made by either party, may determine whether the subject-matter in dispute is or is not trade refuse or stable refuse, as the case may be, and the decision of the Minister shall be final and shall not be called in question in any court. [13]

13. The Commissioner may, with the approval of the Minister, prescribe the hours within which it shall be lawful to collect and remove any night-soil, decaying fish, decaying rice or other offensive matter and shall give notice thereof in the *Gazette*. [14]

Removal of offensive matter.

14. The Commissioner may provide places convenient for the deposit of night-soil, dung and other filth and of the dust, dirt, ashes, refuse, rubbish and filth collected and removed under the authority of this Act. [15]

Place of deposit for refuse.

15.—(1) The Commissioner may, in his discretion, by notice in writing, require any developer or owner or owners of any premises or group of premises to provide or construct at the expense of such developer, owner or owners and within such period as may be specified in the notice —

Commissioner may require developer, etc., to provide dustbins and refuse bin centres.

(a) dustbins or other convenient receptacles conforming to such specifications as the Commissioner may require, which shall be placed in such appropriate situations within the property of such developer, owner or owners as the Commissioner may think fit, wherein shall be deposited any

dust, dirt, ashes, litter, rubbish and refuse from such property;

- (b) refuse bin centres or refuse bin compartments conforming to such specifications as the Commissioner may require, which shall be sited in such appropriate situations within the property of such developer, owner or owners as the Commissioner may think fit, wherein or whereon shall be placed the dustbins and other receptacles referred to in paragraph (a).

(2) Where any dustbins or receptacles have been provided under subsection (1), the Commissioner may, by notice in writing, require the developer, owner or occupier of any premises concerned to convey as often as may be necessary any dust, dirt, ashes, litter, rubbish and refuse from such premises to the dustbins or receptacles so provided.

(3) Any person who refuses, neglects or fails to comply with any notice issued by the Commissioner under subsection (1) or (2) within such period as may be specified therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) Where any person who has been served with a notice under subsection (1) or (2) fails to comply therewith, the Commissioner may, in his discretion, without prejudice to any proceedings under subsection (3) and whether before or after the commencement or conclusion of the proceedings, carry out all or any of the requirements set out in the notice and recover from that person the costs and expenses thereof in the manner provided in section 121.

[16

Maintenance
of refuse
chutes in
buildings.

16.—(1) The owner or the owners of any building or part thereof served by a refuse chute and chute chamber shall be responsible for the repair, replacement and maintenance of every such refuse chute and chute chamber.

(2) The Commissioner may, by notice in writing, require the owner or the owners of any such building or part thereof to carry out any repairs, replacement or maintenance to, of or in connection with any such refuse chute or chute chamber as the Commissioner may consider necessary, and every such notice shall be complied with within such period

as may be specified in the notice unless extension of the period has been granted by the Commissioner.

(3) Any person who fails to comply with any such notice within the period specified therein, including any extension thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine not exceeding \$50 for every day during which the offence continues after conviction.

(4) Where any person who has been served with any such notice fails to comply therewith, the Commissioner may, in his discretion, without prejudice to any proceedings under subsection (3) and whether before or after the commencement or conclusion of the proceedings, carry out such works as are specified in the notice and recover from that person the costs and expenses thereof in the manner provided in section 121. [17

17. The Commissioner may acquire, construct and maintain such refuse disposal grounds, incinerators or other systems for the disposal of refuse as he may consider necessary. [18

Maintenance of disposal grounds and incinerators for refuse.

18.—(1) Any occupier of any house or premises who keeps or allows to be kept for more than 48 hours, or otherwise than in some proper receptacle, so as to be a nuisance to his neighbours, any dirt, dung, bones, ashes, night-soil, filth, refuse or any noxious or offensive matter in any part of such house or premises, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and to a further fine not exceeding \$50 for every day during which the offence continues after conviction.

Penalty on occupier of house for not removing the refuse.

(2) Without prejudice to any proceedings under subsection (1) and whether before or after the commencement or conclusion of the proceedings, the cause of the nuisance may be removed by the Commissioner who may recover the costs and expenses thereby incurred from the occupier or the owner of the house or premises in the manner provided under section 121. [19

All rubbish, etc., collected to be property of Government.

19. All dirt, dust, ashes, rubbish, sewage, night-soil, dung, filth and trade refuse, garden refuse and stable refuse, scrap metal, bottles and any matter or thing collected by the employees, contractors or agents of the Government from streets, houses, privies, sewers and cesspools or brought by any person to the Government refuse disposal ground or incinerator shall be the property of the Government which may sell or dispose of the same as it thinks proper.

[20]

Removal of night-soil

A system of night-soil removal may be applied to defined areas, and fees may be charged.

20.—(1) The Commissioner may at any time provide and apply to all or any houses, lands, buildings and tenements within any area or areas defined by him for such purpose, a system for the collection and removal of night-soil and may charge fees for the provision of such system and the supply of such pails and other utensils.

(2) Such fees shall be payable by the occupiers of the houses, lands, buildings and tenements to which such system is applied, and shall be recoverable from the occupiers in the manner provided under section 121.

(3) At least one month before the application of any system for the collection and removal of night-soil to any area, notice thereof shall be served at every dwelling-house affected thereby within the area either by delivery of the notice to the occupier thereof or by affixing it to some part of the premises, and notice thereof shall be published in the *Gazette*.

(4) The notice served at every dwelling-house referred to in subsection (3) shall be in the Malay, Chinese, Tamil and English languages. [21]

Prohibition against unauthorised collection of night-soil.

21.—(1) In any area to which a system for the collection and removal of night-soil has been made applicable by the Commissioner under section 20 (1) —

- (a) no person other than an employee, contractor or agent of the Commissioner shall, except with the permission in writing of the Commissioner or except as required by the Commissioner under section 22, collect or remove any night-soil; and
- (b) no person shall refuse any service for the collection and removal of night-soil provided by the

Commissioner, either directly or through contractors or agents.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [22

22.—(1) The Commissioner may, in his discretion, by notice in writing require the developer of any premises or group of premises —

Commissioner may require developer to provide certain services.

(a) to cause, at the expense of the developer, such portion of the street as fronts, adjoins or abuts on those premises or group of premises to be properly swept, cleansed and watered, and the dust, dirt, building debris, garbage, refuse, rubbish or other matter or thing found thereon to be collected and removed for such period or periods and subject to such conditions and requirements as may be specified in the notice; or

(b) to provide, at the expense of the developer, a night-soil removal service for such period or periods and subject to such conditions and requirements as may be specified in the notice.

(2) Any developer who refuses, neglects or fails to comply with any notice issued by the Commissioner under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) Where any developer who has been served with a notice under subsection (1) fails to comply therewith the Commissioner may, in his discretion, without prejudice to any proceedings under subsection (2) and whether before or after the commencement or conclusion of the proceedings, or without instituting the proceedings, carry out all or any of the requirements set out in the notice and recover from the developer the costs and expenses thereof in the manner provided in section 121. [23

23. Any person who sells night-soil shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [24

Prohibition on sale of night-soil.

Prohibition
on use of
night-soil
as manure.

24.—(1) No land shall be manured with night-soil or human excreta.

(2) If any night-soil or human excreta is found in any place collected in pits or receptacles of any kind such as would in the ordinary course be used for preparing such night-soil or human excreta for purposes of manuring, this shall be deemed conclusive evidence that the land on which such pits or receptacles are situated or land in the same occupation adjoining or contiguous thereto has been manured with night-soil or human excreta.

(3) The owner and the occupier of any land which is manured with night-soil or human excreta shall both be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,500 and to a further fine of \$100 for every day during which the offence continues after conviction, and in the case of a second or subsequent conviction to the like fines or to imprisonment for a term not exceeding 6 months or to both.

(4) A Magistrate's Court may, on the application of the Commissioner, make a mandatory order against the owner or the occupier of such land, requiring him to remove such night-soil or receptacles or to fill up such pits, as the case may be. [25]

Prohibition
on use of
night-soil
for manuring
earth in pots,
etc.

25. Any person who uses night-soil or human excreta for the purpose of manuring any earth, soil or other substance contained in any pot, box, container or other receptacle shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [26]

Prohibition
of cultivation
or use of
manure or
irrigation
which is a
nuisance.

26.—(1) If at any time it appears to the Commissioner that the method of cultivation of any description of crop or the use or storing or method of preparing or dealing with any kind of manure (including prawn dust, chicken droppings and stable refuse) not prohibited by section 24 or the irrigation of land in any specific manner in any area is a nuisance, the Commissioner may prohibit such method of cultivation or such use or storing or method of preparing or dealing with such manure or such manner of irrigation within such area or may regulate any of the aforesaid by imposing such condition or conditions thereon as the Commissioner may consider necessary for the prevention of the nuisance.

(2) The Commissioner may, in his discretion, publish notice of such prohibition or condition or conditions in the *Gazette*.

(3) The owner and the occupier of any land who disregards or fails to comply with any prohibition or condition imposed by the Commissioner under subsection (1) shall both be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine of \$100 for every day during which the offence continues after conviction, and in the case of a second or subsequent conviction to the like fines or to imprisonment for a term not exceeding 6 months or to both. [27

Offences in respect of uncleanness in public places and pollution of reservoirs, etc.

27.—(1) Any person who —

- (a) places, deposits or throws any dust, dirt, paper, ashes, carcase, refuse, boxes, barrels, bales or other article or thing in any public place;
- (b) keeps or leaves any article or thing whatsoever in any place where it or particles therefrom have passed or are likely to pass into any public place;
- (c) dries any article of food or other article or thing in any public place;
- (d) throws, places, spills or scatters any blood, brine, swill, noxious liquid or other offensive or filthy matter of any kind in such manner as to run or fall into any public place;
- (e) drops, spills or scatters any dirt, sand, earth, gravel, clay, loam, stone, grass, straw, shavings, sawdust, ashes, garden refuse, stable refuse, trade refuse, manure, garbage or any other thing or matter in any public place, whether from a moving or stationary vehicle or in any other manner;
- (f) sieves, shakes, cleans, beats or otherwise agitates any lime, ashes, sand, coal, hair, waste paper, feathers or other substance in such manner that it is carried or likely to be carried by the wind to any public place; or

Prohibition against depositing refuse, etc., in any public place.

(g) throws or leaves behind any bottle, glass, can, food container, food wrapper, particles of food or any other article or thing in any public place, shall be guilty of an offence and may be arrested without warrant by any police officer or by any public officer authorised in writing in that behalf by the Commissioner and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$2,000.

(2) Any person who deposits any refuse, rubbish, filth, garbage or any other matter or thing in any stream, river, drain, channel or watercourse or upon the bank of any of the same or in any part of the sea abutting on the foreshore, shall be guilty of an offence and may be arrested without warrant by any police officer or by any public officer authorised in writing in that behalf by the Commissioner and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$2,000.

(3) Any person who, in any part of a reservoir or lake used for the storage and supply of water for public consumption or in any part of a stream, river or canal draining into such a reservoir or lake —

- (a) causes or suffers any animal to enter into any such reservoir, lake, stream, river or canal;
- (b) washes or causes to be washed any animal or anything in or near such reservoir, lake, stream, river or canal;
- (c) throws or puts any matter or thing into any such reservoir, lake, stream, river or canal;
- (d) bathes in or near such reservoir, lake, stream, river or canal; or
- (e) does any act whereby water in such reservoir, lake, stream, river or canal is in any way fouled or its quality altered,

shall be guilty of an offence and may be arrested without warrant by any police officer or by any public officer authorised in writing in that behalf by the Commissioner and taken before a Magistrate's Court and shall be liable on

conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$2,000.

(4) Notwithstanding subsection (1), (2) or (3) or any other written law, any police officer or any public officer who, having effected an arrest in accordance with this section, is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, instead of taking him before a Court or to a police station serve upon the person a notice, in such form as may be prescribed under section 144, requiring the person to attend at the Court described at the hour and on the date specified in the notice.

(5) For the purpose of satisfying himself as to the identity of the person arrested, such police officer or public officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

(6) A duplicate of the notice referred to in subsection (2) shall be prepared by the police officer or public officer, as the case may be, and by him, if so required by a Court, produced to the Court.

(7) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (1), (2) or (3).

(8) If a person upon whom such a notice has been served as aforesaid fails to appear before a Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of such person.

(9) Upon a person arrested in pursuance of a warrant issued under subsection (6) being produced before it, a Court shall proceed as though he were produced before it in pursuance of subsection (1), (2) or (3) and shall at the conclusion of such proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months.

(10) The Magistrate's Court may, on convicting any person under subsection (1), (2) or (3), order his photograph

to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of establishing identity on a subsequent conviction.

(11) For the purposes of subsection (1) (e) —

(a) where the thing or matter is dropped, spilt or scattered from a vehicle or drops or spills therefrom, the driver or person having charge or control of the vehicle shall be deemed to have committed the offence, unless the offence is committed by a person other than the driver or person having charge or control of the vehicle and the identity of the person who committed the offence can be established; and

(b) where the driver of a motor vehicle is alleged or is suspected to be guilty of the offence —

(i) the owner of the motor vehicle shall give such information as he may be required by a police officer or by a public officer authorised as provided in subsection (1) to give as to the identity and address of the person who was driving the motor vehicle at or about the time of the alleged offence, and such other information as such police officer or public officer may require, and if he fails to do so within 7 days of the date on which the information was required from him, he shall be guilty of an offence unless he proves, to the satisfaction of the Court, that he did not know and could not with reasonable diligence have ascertained the information required; and

(ii) any other person who was or should have been in charge or in control of the motor vehicle shall, if so required as aforesaid, give any information which it is in his power to give, and which may lead to the identification of the driver, and if, within 7 days of the date on which the information was required from him, he

fails to do so, he shall be guilty of an offence.

(12) Subsections (1) to (4) and (6) to (9) shall *mutatis mutandis* apply to any person who contravenes any regulations made under this Act in respect of public cleansing.

[28

28.—(1) Any person who, during the construction, alteration or demolition of any building or erection or at any time whatsoever, deposits, drops, leaves or places, or causes to be deposited, dropped, left or placed in or onto any public place, any stone, cement, earth, sand, wood or other building material, thing or substance, or who fails to take reasonable precautions to prevent danger to the life, health or well-being of persons using any public place from flying dust or falling fragments or from any other material, thing or substance shall be guilty of an offence and may be arrested without warrant by any police officer or by any public officer authorised in writing in that behalf by the Commissioner and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$1,000, and in the case of a second or subsequent conviction to a fine not exceeding \$2,000.

Prohibition
against
depositing
building
materials,
etc., in any
public place.

(2) Notwithstanding subsection (1) or any other written law, any police officer or any public officer who, having effected an arrest in accordance with this section, is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, instead of taking the person before a Court or to a police station serve upon the person a notice, in such form as may be prescribed under section 144, requiring the person to attend at the Court described at the hour and on the date specified in the notice.

(3) For the purpose of satisfying himself as to the identity of the person arrested, such police officer or public officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

(4) A duplicate of the notice referred to in subsection (2) shall be prepared by the police officer or public officer, as the case may be, and by him, if so required by a Court, produced to the Court.

(5) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance

of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (1).

(6) If a person upon whom such a notice has been served as aforesaid fails to appear before a Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of such person.

(7) Upon a person arrested in pursuance of a warrant issued under subsection (6) being produced before it, a Court shall proceed as though he were produced before it in pursuance of subsection (1) and shall at the conclusion of such proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause be not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months.

(8) The Magistrate's Court may, on convicting any person under subsection (1), order his photograph to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of establishing identity on a subsequent conviction.

(9) Upon the conviction of any person under subsection (1) or section 27 (1), the Commissioner may, in the manner provided in section 121, recover from that person the costs and expenses incurred by him in cleaning the public place concerned:

Provided that if such person is convicted of an offence committed in the course of his employment, the Commissioner may recover the costs and expenses in the said manner from the employer of that person. [29

PART IV

MARKETS

Definition.

29. In this Part —

“licensee” means any person to whom a licence has been issued under section 31 or 32;

“market” means any place, other than a shop, used for the sale of animals or of meat, fish, fruit,

vegetables, poultry, eggs or other articles of food or drink for human consumption as well as for the sale of goods and commodities, and includes all land and premises in any way used in conjunction or connection therewith or appurtenant thereto;

“private market” means a market other than a public market;

“public market” means a market owned or leased and maintained by the Government;

“stall-holder” means in respect of a public market a person licensed by the Commissioner to sell within the public market, and in respect of a private market a person permitted by the licensee of the private market to sell within that private market, and in both instances includes the person in charge of such stalls. [30]

30. The Commissioner may cause to be built and maintained such markets and such shops, stalls, sheds, pens and other buildings or conveniences for the use of the persons frequenting such markets, and for the weighing and measuring of goods sold in such markets, as he thinks necessary, or may for the like purpose, hire or take on lease any building or buildings. [31]

Commis-
sioner may
build
markets.

31. The Commissioner may grant a licence to any person for the use of any shop, stall, shed, pen or other place in a public market on such terms and conditions, for such period and on payment of such fees, rents or tolls as he may think fit. [32]

Licences
for places
in public
markets.

32.—(1) The Commissioner may grant a licence to any person for the use of any building, situation or place as a private market on such terms and conditions, for such period and on payment of such fees as he may think fit.

Licences
for private
markets.

(2) Any person who establishes, runs or uses any place as a private market without a licence issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to a further fine not exceeding \$200 for every day during which the offence continues after conviction. [33]

Penalty for unauthorised sale in markets.

33.—(1) Any person who sells or exposes for sale anything whatsoever in —

- (a) a public market without obtaining a licence under section 31;
- (b) a private market without the permission of the licensee thereof; or
- (c) an unlicensed private market,

shall be guilty of an offence and may be arrested without warrant by any police officer or by any public officer authorised in writing in that behalf by the Commissioner and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$2,000 and to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

(2) Notwithstanding subsection (1) or any other written law, any police officer or any public officer who, having effected an arrest in accordance with this section, is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, instead of taking the person before a Court or to a police station serve upon the person a notice, in such form as may be prescribed under section 144, requiring the person to attend at the Court described at the hour and on the date specified in the notice.

(3) For the purpose of satisfying himself as to the identity of the person arrested, such police officer or public officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

(4) A duplicate of the notice referred to in subsection (2) shall be prepared by the police officer or public officer, as the case may be, and by him, if so required by a Court, produced to the Court.

(5) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (1).

(6) If a person upon whom such a notice has been served as aforesaid fails to appear before a Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of such person.

(7) Upon a person arrested in pursuance of a warrant issued under subsection (6) being produced before it, a Court shall proceed as though he were produced before it in pursuance of subsection (1) and shall at the conclusion of such proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months.

(8) Any cooked or uncooked food, drink, articles or goods of any kind, together with their containers and any accompanying appliances and utensils, exposed for sale in any public market, private market or unlicensed private market, whether or not they appear to be abandoned, belonging or appearing to belong to or in the possession of a person appearing to be committing or to have committed an offence under subsection (1), may be seized by any police officer or public officer authorised as aforesaid and removed to and detained at any police station or Government depot or such other place as may be approved by the Commissioner at the risk of the owner to abide the directions of a Magistrate's Court:

Provided that any cooked or uncooked food, drink or perishable articles or goods likely to decay so seized and removed may be disposed of forthwith.

(9) If any abandoned articles or goods so seized and detained, other than cooked or uncooked food, drink or perishable articles or goods already disposed of, are claimed within 48 hours after such seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to set up or sell such articles or goods at the place at which they were seized, such articles or goods shall be returned to the owner.

(10) Every such seizure shall, except when the articles or goods seized have been returned to the owner, be reported to a Magistrate's Court.

(11) The Magistrate's Court shall, on convicting any person of an offence under subsection (1) or on receiving a report in respect of any abandoned articles or goods which were apparently being used in connection with the sale of food or drink, order the property seized under sub-

section (8) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles or goods, the proceeds thereof shall be paid into the Consolidated Fund.

(12) The Magistrate's Court may, on convicting a person of an offence under subsection (1) or on receiving a report in respect of any abandoned articles or goods which were not apparently being used in connection with the sale of food or drink, order the property seized under subsection (8) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles or goods, the proceeds or such part thereof as the Court thinks fit shall be paid into the Consolidated Fund and the balance, if any, paid to the owner.

(13) The Magistrate's Court may, on convicting any person under subsection (1), order his photograph to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of establishing identity on a subsequent conviction.

(14) Subsections (1), (2) and (4) to (7) shall apply mutatis mutandis to any person who, being licensed under section 31 or 32, contravenes any regulations made under this Act for the control of markets. [34

Power to expel person contravening regulations and to determine lease.

34. The Commissioner may expel or cause to be expelled from any public market or private market any person who or whose servant is convicted for the contravention of any of the provisions of this Part or of any written law relating to markets, and may prevent such person, by himself or his employee, from further carrying on any trade or business in such public market or private market or occupying any stall, shed, pen or other place therein, and may determine any lease or tenure which such person has in any such stall, shed, pen or other place. [35

Persons with infectious disease not to carry on business in markets.

35.—(1) No person who is suffering from or is a carrier of any infectious disease shall carry on, or assist in, any trade or business in any public market or private market.

(2) The Commissioner or a Medical Officer of Health may require any licensee or any assistant thereof or any

applicant for a licence under this Part who is suffering from, or is suspected to be suffering from, an infectious disease or is suspected to be a carrier thereof to submit to medical examination, and if such licensee, assistant or applicant is found to be infected, the Commissioner or the Medical Officer of Health may require him to undergo treatment. The Commissioner or the Medical Officer of Health may, in his discretion, require such treatment to be obtained at a Government hospital.

(3) The Commissioner or a Medical Officer of Health may require any licensee or any assistant thereof to submit to immunisation against any infectious disease.

(4) The Commissioner or a Medical Officer of Health may, in his discretion, at any time suspend or revoke any licence issued under this Part if a licensee is suffering from an infectious disease or if he refuses to comply with any requisition made by the Commissioner or the Medical Officer of Health under subsection (2) or (3). [36

36.—(1) No licensee, stall-holder or other person shall erect any extension or effect any alteration to any stall, shed or other place in any public market or private market without the permission of the Commissioner or cause any obstruction in any of the passage-ways or other places therein.

Unauthorised alterations.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(3) The Commissioner may serve a notice in writing on any person contravening subsection (1) requiring such person to remove any erection or obstruction within a specified period, and if that person fails to comply with the notice within the specified period, the Commissioner may, without prejudice to any proceedings under subsection (2) and whether before or after the commencement or conclusion of the proceedings, remove the erection or obstruction, and recover the costs and expenses of the removal from that person. [37

37.—(1) Every licensee of a private market shall keep it in a clean and sanitary condition.

Cleanliness of markets and stalls.

(2) Every stall-holder in a public market or private market shall keep his shed, stall, pen or place and the immediate vicinity thereof in a clean and sanitary condition.

(3) Where, in the opinion of the Commissioner, a licensee or stall-holder has failed to comply with subsection (1) or (2), as the case may be, the Commissioner may, by notice in writing, require the licensee or stall-holder, within such period as may be specified therein, to take such steps as the Commissioner may think fit for the purpose of complying with that subsection.

(4) Any person who contravenes any of the provisions of subsection (1) or (2), or refuses, neglects or fails to comply with any notice issued by the Commissioner under subsection (3) within such period as may be specified therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(5) Where any person who has been served with a notice under subsection (3) fails to comply therewith, the Commissioner may, in his discretion, without prejudice to any proceedings under subsection (4) and whether before or after the commencement or conclusion of such proceedings, carry out all or any of the requirements set out in the notice and recover from the person the costs and expenses thereof in the manner provided in section 121. [38

PART V

HAWKERS

Powers of
Commis-
sioner.

38. The Commissioner may, subject to the provisions of this Part and to such terms and conditions as he thinks fit —

- (a) grant licences to hawkers;
- (b) allocate stalls, pitches and sites for the purpose of hawking; and
- (c) classify hawkers into such categories as he thinks necessary. [39

Hawking
prohibited
in certain
places.
S 222/72.

39.—(1) No person shall hawk, sell or expose for sale any cooked or uncooked food, drink or goods of any kind in any street or part thereof which is prohibited for that purpose by the Commissioner or in any place, other than a shop, within 46 metres of a market, school, hospital, Government dispensary or clinic, place of worship, police station or such

other place as may be determined by the Minister from time to time.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and may be arrested without warrant by any police officer or by any public officer authorised in writing in that behalf by the Commissioner and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$2,000.

(3) Notwithstanding subsection (2) or any other written law, any police officer or any public officer, who having effected an arrest in accordance with this section, is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, instead of taking the person before a Court or to a police station serve upon the person a notice, in such form as may be prescribed under section 144, requiring him to attend at the Court described at the hour and on the date specified in the notice.

(4) For the purpose of satisfying himself as to the identity of the person arrested, such police officer or public officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

(5) A duplicate of the notice referred to in subsection (3) shall be prepared by the police officer or public officer, as the case may be, and by him, if so required by a Court, produced to the Court.

(6) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (2).

(7) If a person upon whom such a notice has been served as aforesaid fails to appear before a Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of that person.

(8) Upon a person arrested in pursuance of a warrant issued under subsection (7) being produced before it, a Court shall proceed as though he were produced before it in pursuance of subsection (2) and shall at the conclusion of the proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the

notice served upon him and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months.

(9) Any stall, table, showboard, vehicle or receptacle together with any appliances and utensils relating thereto and the food, drink or goods intended or exposed for sale, whether they appear to be abandoned or not, belonging or appearing to belong to or in possession of a person appearing to be committing or to have committed an offence under subsection (2) may be seized by any police officer or public officer authorised as aforesaid and removed to and detained at any police station or Government depot or such other place as may be approved by the Commissioner, at the risk of the owner, to abide the directions of a Magistrate's Court:

Provided that any perishable articles likely to decay so seized and removed may be disposed of forthwith.

(10) If any abandoned articles so seized and detained, other than perishable articles already disposed of, are claimed within 48 hours after such seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to set up or sell such articles at the place at which they were seized, the abandoned articles shall be returned to the owner.

(11) Every such seizure shall, except when the articles seized have been returned to the owner, be reported to a Magistrate's Court.

(12) The Magistrate's Court shall, on convicting any person of an offence under subsection (2) or on receiving a report in respect of any abandoned articles which were apparently being used in connection with the sale of food, drink or goods, order the property seized under subsection (9) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles, the proceeds thereof shall be paid into the Consolidated Fund.

(13) The Magistrate's Court may, on convicting a person of an offence under subsection (2) or on receiving a report in respect of any abandoned articles which were not

apparently being used in connection with the sale of food, drink or goods, order the property seized under subsection (9) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles, the proceeds or such part thereof as the Court thinks fit shall be paid into the Consolidated Fund and the balance, if any, paid to the owner.

(14) The Magistrate's Court may, on convicting any person under subsection (2), order his photograph to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of establishing identity on a subsequent conviction. [40]

40.—(1) No person who is suffering from or is a carrier of any infectious disease shall carry on business as a hawker of food or drink for human consumption (referred to in this section as a food hawker) or assist a food hawker.

Persons with infectious disease not to carry on business as food hawkers.

(2) The Commissioner or a Medical Officer of Health may require any food hawker to whom a licence is granted under this Part or any assistant thereof or any applicant for a licence as a food hawker under this Part who is suffering from, or is suspected to be suffering from, an infectious disease or is suspected to be a carrier thereof, to submit to medical examination and if such licensee, assistant or applicant is found to be infected, the Commissioner or the Medical Officer of Health may require him to undergo treatment. The Commissioner or the Medical Officer of Health may, in his discretion, require such treatment to be obtained at a Government hospital.

(3) The Commissioner or a Medical Officer of Health may require any licensee under this Part or any assistant thereof to submit to immunisation against any infectious disease.

(4) The Commissioner or a Medical Officer of Health may, in his discretion, at any time suspend or revoke any licence issued under this Part if a licensee or assistant thereof is suffering from an infectious disease or if he refuses to comply with any requisition made by the Commissioner or the Medical Officer of Health under subsection (2) or (3). [41]

Licensing
of hawkers
operating
from stalls.

41.—(1) The Commissioner may, subject to such conditions as he may think fit, specify the streets, premises, places or areas, or parts thereof, in which stalls, tables, showboards, vehicles or receptacles or any other means designed or adapted for the purpose may, with his consent, be set up or used for the sale of food, drink or goods of any kind and may issue licences to persons hawking, selling or exposing the same for sale:

7/74.

Provided that no public street, public place or place of public resort shall be so specified without the consent of the Minister.

(2) Any person who, not being licensed under this section, sets up or uses any stall, table, showboard, vehicle or receptacle or any other means designed or adapted for the purpose, occupying a stationary position in any premises for the purpose of hawking, selling or exposing for sale any food or drink or any other goods shall be guilty of an offence and may be arrested without warrant by any police officer or by any public officer authorised by the Commissioner in writing in that behalf and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$1,000.

7/74.

(3) For the purposes of subsections (1) and (2) and any regulations made under this Act for the control of hawkers —

“premises” means any street, place of public resort or public place;

“public place” means any public park or garden, any river bank or seashore, or any private land or open space or place to which the public has access;

“stall” means any table, showboard, vehicle or receptacle or any other means designed or adapted for the purpose of selling food, drink or goods of any kind and used or intended for use by hawkers, and includes any structure affixed thereto by way of roof, support or flooring.

(4) Notwithstanding subsection (2) or any other written law, any police officer or any public officer, who having effected an arrest in accordance with this section, is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion instead of taking him before

a Court or to a police station serve upon the person a notice, in such form as may be prescribed under section 144, requiring the person to attend at the Court described at the hour and on the date specified in the notice.

(5) For the purpose of satisfying himself as to the identity of the person arrested, such police officer or public officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

(6) A duplicate of the notice referred to in subsection (4) shall be prepared by the police officer or public officer, as the case may be, and by him, if so required by a Court, produced to the Court.

(7) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (2).

(8) If a person upon whom such a notice has been served as aforesaid fails to appear before a Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of such person.

(9) Upon a person arrested in pursuance of a warrant issued under subsection (8) being produced before it, a Court shall proceed as though he were produced before it in pursuance of subsection (2) and shall at the conclusion of such proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months.

(10) Any stall, table, showboard, vehicle or receptacle together with any appliances and utensils relating thereto and the food, drink or goods intended or exposed for sale, whether they appear to be abandoned or not, belonging or appearing to belong to or in possession of a person appearing to be committing or to have committed an offence under subsection (2) may be seized by any police officer or public officer authorised as aforesaid and removed to and detained at any police station or Government depot or such other place as may be approved by the

Commissioner, at the risk of the owner, to abide the directions of a Magistrate's Court:

Provided that any perishable articles likely to decay so seized and removed may be disposed of forthwith.

(11) If any abandoned articles so seized and detained, other than perishable articles already disposed of, are claimed within 48 hours after seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to set up or sell such articles at the place at which they were seized, the abandoned articles shall be returned to the owner.

(12) Every such seizure shall, except when the articles seized have been returned to the owner, be reported to a Magistrate's Court.

(13) The Magistrate's Court shall, on convicting any person of an offence under subsection (2) or on receiving a report in respect of any abandoned articles which were apparently being used in connection with the sale of food, drink or goods, order the property seized under subsection (10) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles, the proceeds thereof shall be paid into the Consolidated Fund.

(14) The Magistrate's Court may, on convicting a person of an offence under subsection (2) or on receiving a report in respect of any abandoned articles which were not apparently being used in connection with the sale of food, drink or goods, order the property seized under subsection (10) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles the proceeds or such part thereof as the Court thinks fit shall be paid into the Consolidated Fund and the balance, if any, paid to the owner.

(15) The Magistrate's Court may, on convicting any person under subsection (2), order his photograph to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of establishing identity on a subsequent conviction.

(16) The Commissioner may, from time to time, with the concurrence of the Commissioner of Police, issue temporary permits subject to such conditions as he may think fit for the erection of stalls, tables and showboards for the sale of food, drink or goods in any place specified in such permits during the continuance of any temporary fair, fête, wayang, gala or other special occasion and, notwithstanding anything in this section, it shall not be an offence to erect a stall, table or showboard in accordance with any such permit. [42]

42.—(1) The Commissioner may require itinerant hawkers or any class of itinerant hawkers to be licensed on such terms and conditions, for such periods and on payment of such fees as he may think fit. Licensing
of itinerant
hawkers.

(2) The Commissioner may classify itinerant hawkers according to the nature of goods they sell or in such other manner as he may determine.

(3) Except as provided in subsection (4), no itinerant hawker may stop for a period longer than is necessary to complete his sale or to recover his glasses, bowls, dishes, crockery or other utensils after serving food or drink.

(4) The Commissioner may, subject to such conditions as he may think fit, permit licensed itinerant hawkers to occupy stationary positions for such period or periods as he may think fit in such site or sites as may, from time to time, be approved by him for this purpose.

(5) The Commissioner may, with the consent of the Minister and subject to such conditions as he may think fit, specify the streets, premises, places or areas, or parts thereof, in which persons shall not act as itinerant hawkers.

(6) Any person who —

(a) not being duly licensed in that behalf, acts as an itinerant hawker; or

(b) whether licensed as an itinerant hawker or not, acts as an itinerant hawker in any street or portion thereof or place or area specified by the Commissioner under subsection (5),

shall be guilty of an offence and may be arrested without warrant by any police officer or by any public officer authorised by the Commissioner in writing in that behalf

and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$1,000.

(7) Notwithstanding subsection (6) or any other written law for the time being in force, any police officer or any public officer who, having effected an arrest in accordance with this section, is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, instead of taking him before a Court or to a police station serve upon the person a notice, in such form as may be prescribed under section 144, requiring the person to attend at the Court described at the hour and on the date specified in the notice.

(8) For the purpose of satisfying himself as to the identity of the person arrested, such police officer or public officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

(9) A duplicate of the notice referred to in subsection (7) shall be prepared by the police officer or public officer, as the case may be, and by him, if so required by a Court, produced to the Court.

(10) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (6).

(11) If a person upon whom such a notice has been served as aforesaid fails to appear before a Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of that person.

(12) Upon a person arrested in pursuance of a warrant issued under subsection (11) being produced before it, a Court shall proceed as though he were produced before it in pursuance of subsection (6) and shall at the conclusion of such proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months.

(13) Any cooked or uncooked food, drink, articles or goods of any kind, together with their containers and any accompanying appliances and utensils, exposed for sale in any street or place, otherwise than in a shop, whether or not they appear to be abandoned, belonging or appearing to belong to or in the possession of a person appearing to be committing or to have committed an offence under subsection (6), may be seized by any police officer or public officer authorised as aforesaid and removed to and detained at any police station or Government depot or such other place as may be approved by the Commissioner at the risk of the owner to abide the directions of a Magistrate's Court:

Provided that any cooked or uncooked food, drink or perishable articles or goods likely to decay so seized and removed may be disposed of forthwith.

(14) If any articles or goods so seized and detained, other than cooked or uncooked food, drink or perishable articles or goods already disposed of, are claimed within 48 hours after such seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to set up or sell such articles at the place at which they were seized, the articles or goods shall be returned to the owner.

(15) Every such seizure shall, except when the articles or goods seized have been returned to the owner, be reported to a Magistrate's Court.

(16) The Magistrate's Court shall, on convicting any person of an offence under subsection (6) or on receiving a report in respect of any abandoned articles or goods which were apparently being used in connection with the sale of food or drink, order the property seized under subsection (13) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles or goods, the proceeds thereof shall be paid into the Consolidated Fund.

(17) The Magistrate's Court may, on convicting a person of an offence under subsection (6) or on receiving a report in respect of any abandoned articles or goods which were not apparently being used in connection with the sale of food or drink, order the property seized under subsection

(13) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles or goods, the proceeds or such part thereof as the Court thinks fit shall be paid into the Consolidated Fund and the balance, if any, paid to the owner.

(18) The Magistrate's Court may, on convicting any person under subsection (6), order his photograph to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of establishing identity on a subsequent conviction.

(19) For the purposes of this section and any regulations made under this Act for the control of hawkers, "itinerant hawker" means any person who, with or without a barrow, cart, bicycle, tricycle or other vehicle, whether or not any of the same is propelled by motor, goes from place to place or from house to house carrying for sale or exposing for sale any food, drink or goods of any kind. [43]

Contra-
vention of
regulations.

43.—(1) Section 41 (2) to (4) and (6) to (9) shall apply *mutatis mutandis* to any person who, being licensed under section 41 or 42 to set up any stall, table, showboard, vehicle or receptacle for the purpose of selling or exposing for sale any food or drink or any other goods or to act as an itinerant hawker, as the case may be, contravenes any regulations made under this Act for the control of hawkers.

(2) The Minister may, in making any regulations for the control of hawkers, provide —

(a) that any contravention by any person, who is not so licensed, of any specified regulation shall be an offence punishable in the same manner as a contravention of that regulation by a person who is so licensed;

(b) that section 41 (2) to (4) and (6) to (9) shall apply *mutatis mutandis* to any person who, not being so licensed, contravenes any such specified regulation. [44]

PART VI

FOOD ESTABLISHMENTS

44. In this Part —

Definition.

“food” includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include —

- (a) live animals or birds;
- (b) fodder or feeding stuffs for animals, birds or fish; or
- (c) articles or substances used only as drugs;

“food establishment” means any place or any premises or part thereof used for the sale, or for the preparation or manufacture for sale, or for the storage or packing for sale, of food, whether cooked or not, intended for human consumption.

[46

45.—(1) Any person who operates, uses or knowingly permits a food establishment to be used for any of the purposes set out in the First Schedule without first obtaining a licence therefor from the Commissioner shall be guilty of an offence.

Food establishments to be licensed.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to a further fine not exceeding \$50 for every day during which the offence continues after conviction.

(3) Upon any conviction under subsection (2), the Commissioner may by order in writing addressed to the convicted person require that the place or premises or any part thereof where the offence took place shall no longer be operated or used as a food establishment as from such date as the Commissioner shall specify in the order.

7/74.

(4) Any person who refuses, fails or neglects to comply with any order made by the Commissioner under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to a further

fine not exceeding \$50 for every day during which the offence continues after the date specified in such order.

[47

Stalls in
food
establish-
ments to
be licensed.
7/74.

46.—(1) No person, other than the licensee of a food establishment, shall set up or use any stall, table, show-board, vehicle or receptacle or any other means designed or adapted for the purpose of selling or exposing for sale in the food establishment any food, drink or other goods unless he has obtained a licence therefor from the Commissioner.

(2) The Commissioner may issue a licence subject to such conditions as he thinks fit.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and may be arrested without warrant by any police officer or public health auxiliary, or by any public officer authorised in writing in that behalf by the Commissioner, and taken before a Magistrate's Court and shall be liable on conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$2,000.

(4) The Commissioner may by notification in the *Gazette* exempt any class or classes of food establishments from this section.

(5) Notwithstanding the provisions of this Act or any other written law, any police officer, public health auxiliary or public officer, who having effected an arrest in accordance with subsection (3) is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, instead of taking the person before a Magistrate's Court or to a police station serve upon the person a notice in such form as may be prescribed under section 144 requiring that person to attend at the Court described at the hour and on the date specified in the notice.

(6) For the purpose of satisfying himself as to the identity of the person arrested, such police officer, public health auxiliary or public officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

(7) A duplicate of the notice referred to in subsection (5) shall be prepared by the police officer, public health auxiliary or public officer, as the case may be, and produced

by him to a Magistrate's Court, if so required by the Court.

(8) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (3).

(9) If a person upon whom such a notice has been served as aforesaid fails to appear before a Magistrate's Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of that person.

(10) Upon a person arrested in pursuance of a warrant issued under subsection (9) being produced before it, a Magistrate's Court shall proceed as though he were produced before it in pursuance of subsection (3) and shall at the conclusion of the proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months.

(11) The Magistrate's Court may, on convicting any person under subsection (3), order his photograph to be taken by a police photographer or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of establishing identity on a subsequent conviction.

(12) Any stall, table, showboard, vehicle or receptacle together with any appliances and utensils relating thereto and the food, drink or goods intended or exposed for sale, whether they appear to be abandoned or not, belonging or appearing to belong to or in possession of a person appearing to be committing or to have committed an offence under subsection (3) may be seized by any police officer or public health auxiliary, or by any public officer authorised as aforesaid, and removed to and detained at any police station or Government depot or such other place as may be approved by the Commissioner, at the risk of the owner, to abide the directions of a Magistrate's Court.

(13) Any perishable article so seized and removed which is likely to decay may be disposed of forthwith.

(14) If any abandoned articles so seized and detained, other than perishable articles already disposed of, are claimed within 48 hours after the seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to set up or sell such articles at the place at which they were seized, the abandoned articles shall be returned to the owner.

(15) Every such seizure shall, except when the articles seized have been returned to the owner, be reported to a Magistrate's Court.

(16) The Magistrate's Court shall, on convicting any person of an offence under subsection (3) or on receiving a report in respect of any abandoned articles which were apparently being used in connection with the sale of food, drink or goods, order the property seized under subsection (12) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles, the proceeds thereof shall be paid into the Consolidated Fund.

(17) The Magistrate's Court may, on convicting a person of an offence referred to in subsection (3) or on receiving a report in respect of any abandoned articles which were not apparently being used in connection with the sale of food, drink or goods, order the property seized under subsection (12) to be forfeited and to be disposed of in such manner as the Court thinks fit:

Provided that if the Court directs the sale of such articles, the proceeds or such part thereof as the Court thinks fit shall be paid into the Consolidated Fund and the balance, if any, paid to the owner. [47A

Inspection
and
examination.

47.—(1) A Medical Officer of Health or a public health auxiliary may at all reasonable times enter into and inspect any place which is used, or which he has reasonable grounds for believing to be used, for the sale, either wholesale or retail, of articles of food or drink intended for human consumption, or any place which is used, or which he has reasonable grounds for believing to be used, for the preparation or storage of such articles intended for sale, or search any cart or vehicle or any basket, sack, bag or parcel which he has reasonable grounds for believing to contain

articles of food or drink intended for human consumption and may examine any such articles which are therein.

(2) If it appears to such Medical Officer of Health or public health auxiliary that any such articles are unfit for human consumption, the articles shall be disposed of as the Commissioner may direct, and the proceeds, if any, retained pending an order from the Magistrate's Court.

(3) Any person who, without lawful excuse, has in his possession any article of food or drink intended for human consumption which is unfit for human consumption shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) A certificate under the hand of the Commissioner may be accepted by a Magistrate's Court as sufficient evidence that such articles were unfit for human consumption at the time of seizure.

(5) If a Magistrate's Court finds that the articles seized were fit for human consumption, it shall order that such articles or such portion thereof as may be in good condition shall be returned to the owner or to the person in whose possession the articles were found and may order payment to such owner or person of such reasonable amount as the Court considers will compensate him for any loss or depreciation that has been caused by the seizure. [48

48.—(1) No person who is suffering from or is a carrier of any infectious disease shall carry on business, assist or be employed in any food establishment.

Persons with infectious disease not to be employed in food establishments.

(2) The Commissioner or a Medical Officer of Health may require any licensee or any assistant or employee thereof or any applicant for a licence under this Part who is suffering from, or is suspected to be suffering from, an infectious disease or is suspected to be a carrier thereof to submit to medical examination, and if such licensee, assistant, employee or applicant is found to be infected, the Commissioner or the Medical Officer of Health may require him to undergo treatment. The Commissioner or the Medical Officer of Health may, in his discretion, require such treatment to be obtained at a Government hospital.

(3) The Commissioner or a Medical Officer of Health may require any licensee or any assistant or employee

thereof to submit to immunisation against any infectious disease.

(4) The Commissioner or a Medical Officer of Health may, at any time in his discretion, suspend or revoke any licence issued under this Part if a licensee, assistant or employee thereof is suffering from an infectious disease or if he refuses to comply with any requisition made by the Commissioner or the Medical Officer of Health under subsection (2) or (3). [49

Regulations.

49.—(1) Without prejudice to the generality of section 138, the Minister may make regulations for any of the purposes of this Part, and such regulations may provide for —

- (a) the manner in which application for a licence shall be made, the particulars to be furnished and all matters pertaining to such application;
 - (b) the preparation, storage, transport and sale of food;
 - (c) the imposition of requirements as to the construction, layout, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water supply and use of premises in, at or from which food is sold for human consumption, or offered, exposed, stored or prepared for sale for human consumption;
 - (d) the imposition of requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises, the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishing and utensils used in such premises;
 - (e) the imposition of requirements as to the clothing worn by persons in such premises;
 - (f) securing the observance of hygienic conditions and practices in connection with food establishments and the protection of public health.
- (2) Regulations made under this section may —
- (a) provide different provisions in relation to different classes of businesses; and

(b) impose requirements in respect of the structural character of premises or as to the alterations to be made thereto.

(3) Any person who commits an offence under the regulations made under this section may be arrested without warrant by any police officer or public health auxiliary, or by any public officer authorised in writing in that behalf by the Commissioner, and taken before a Magistrate's Court. 7/74.

(4) Notwithstanding the provisions of this Act or any other written law, any police officer, public health auxiliary or public officer who having effected an arrest in accordance with subsection (3) is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, serve upon the person a notice in such form as may be prescribed under section 144 requiring the person to attend at the Court described at the hour and on the date specified in the notice. 7/74.

(5) A duplicate of the notice referred to in subsection (4) shall be prepared by the police officer, public health auxiliary or public officer, as the case may be, and produced by him to the Court, if so required by the Court. 7/74.

(6) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (3). 7/74.

(7) If a person upon whom such a notice has been served as aforesaid fails to appear before a Magistrate's Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of that person. 7/74.

(8) Upon a person arrested in pursuance of a warrant of arrest issued under subsection (7) being produced before it, a Magistrate's Court shall proceed as though he were produced before it in pursuance of subsection (3) and shall at the conclusion of the proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months. 7/74.

PART VII

PUBLIC NUISANCES

Public nuisances to be abated.

50.—(1) Except as provided in subsection (2), the Commissioner shall take such steps as he may consider necessary to remove or abate all nuisances of a public nature and may, if he considers that the circumstances so warrant, proceed at law against any person committing any such nuisance.

(2) Where any nuisance specified in section 51 (1) (a), (e) (ii), (e) (iii), (f), (g) or (k) arises from any want or defect of a structural character, the Building Authority shall take such steps as he may consider necessary to remove or abate the same and may, if he considers that the circumstances so warrant, proceed at law against any person committing any such nuisance, and for this purpose every reference to the Commissioner in sections 52 (1), (2) and (4), 53 (1), (11) and (14), 54 (1) and 55 (2) shall be construed as a reference to the Building Authority. [51

Nuisances liable to be dealt with summarily under this Act.

51.—(1) For the purposes of this Act —

- (a) any premises or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health;
- (b) any pool, gutter, watercourse, cistern, water-closet, latrine, earth-closet, privy, urinal, cesspool, sewer, drain, dung-pit or ash-pit so foul or in such a state or so situate as to be a nuisance or injurious or dangerous to health;
- (c) any animal, bird or poultry or carcass kept in such place or manner or in such numbers as to be a nuisance or injurious or dangerous to health;
- (d) any dust, effluvia, accumulation or deposit which is a nuisance or injurious or dangerous to health;
- (e) any factory, workshop or work-place which —
 - (i) is not kept in a cleanly state and free from effluvia arising from any sewer, drain, privy, latrine, earth-closet, urinal or other nuisance;
 - (ii) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust or other impurities

generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health; or

- (iii) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein;
- (f) any huts or sheds, whether used as dwellings or as stables or for any other purpose, which are by reason of the manner in which the huts or sheds are crowded together or the want of drainage or the impracticability of scavenging or for any other reason a nuisance or injurious or dangerous to health;
- (g) any hut or shed, whether used as a dwelling or as a stable or for any other purpose, which is a nuisance or injurious or dangerous to health;
- (h) any well, pool or other source, the water from which is used or likely to be used for human consumption and which is so polluted or is likely to become so polluted as to be injurious or dangerous to health;
- (i) any tank or receptacle or article capable of containing water or any well, pool, watercourse, ditch or low marshy ground which is injurious to health or offensive to the neighbourhood;
- (j) any place where there exists, or is likely to exist, any condition giving rise, or capable of giving rise, to the breeding of flies or mosquitoes;
- (k) any furnace, chimney, fire-place or other place from which is emitted smoke or other unconsumed combustible matter in such quantity or in such a manner as to be a nuisance or injurious or dangerous to health;
- (l) any brick-field, sandpit or any other kind of excavation which is injurious to health or offensive to the neighbourhood or used for any purpose likely to be injurious to health; or
- (m) any other matter declared by this Act to be a nuisance,

shall be a nuisance liable to be dealt with summarily under this Act.

(2) Any person who —

- (a) puts into, or causes to be put, to fall or to flow into, or knowingly permits to be put, to fall or to flow into, or to be carried into any stream, river, drain, channel or watercourse the solid or liquid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders or any other waste or any putrid matter, so as to interfere with the due flow of such stream, river, channel or watercourse or to pollute the waters thereof; or
- (b) causes to fall or to flow into, or knowingly permits to fall or to flow into, or to be carried into any stream, river, drain, channel or watercourse any solid or liquid sewage matter,

shall be guilty of causing a nuisance liable to be dealt with summarily under this Act.

S 222/72.

(3) Any person who, in any part of the area lying within 92 metres of a reservoir or lake used for the storage and supply of water for public consumption or in any part of the area lying within that distance of a stream, river or canal draining into such reservoir or lake, without the permission in writing of the Commissioner —

- (a) erects any building or constructs any pond for any purpose whatsoever;
- (b) alters the surface of the land by digging thereinto or depositing thereon any substance;
- (c) causes or suffers anything to percolate or drain into any part of such area; or
- (d) does any act whereby water in such reservoir, lake, stream or river is in any way fouled or its quality altered,

shall be guilty of causing a nuisance liable to be dealt with summarily under this Act. [52

Notice
requiring
abatement
of nuisance.

52.—(1) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act, the Commissioner shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance arises or continues or, if such person cannot be found, on the occupier or the owner of the premises on which the nuisance

arises, requiring him to abate the nuisance within the time and date specified in the notice and to execute such works and do such things as are necessary for that purpose and, if the Commissioner thinks it desirable, specifying any works to be executed.

(2) The Commissioner may also by the same or another notice served on such occupier, owner or person require him to do what is necessary for preventing the recurrence of the nuisance and, if he thinks it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance had for the time being abated if the Commissioner considers that it is likely to recur on the same premises.

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

(4) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the occupier or the owner of the premises, the Commissioner may cause the nuisance to be abated and may do what is necessary to prevent the recurrence thereof.

(5) Where a Medical Officer of Health or a Public Health Engineer certifies to the Commissioner that any house or part of a house is so overcrowded as to be injurious or dangerous to the health of the residents thereof, whether or not members of the same family, the Commissioner shall take proceedings under this section for the abatement of the nuisance and the expenses thereby incurred shall be paid by the person in default.

(6) Where a notice has been served on a person under this section and either —

(a) the nuisance arose from the wilful act or default of the person; or

(b) such person makes default in complying with any of the requirements of the notice within the time and date specified,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for each offence and to a further fine not exceeding \$50 for every day during which the offence continues after the date specified in the

notice as provided in subsection (1), whether any such nuisance order mentioned in section 53 is or is not made upon him. [53

Nuisance
order.

53.—(1) If either —

- (a) the person on whom a notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requirements thereof within the time and date specified; or
- (b) the nuisance, although abated since the service of the notice, is in the opinion of the Commissioner likely to recur on the same premises,

on complaint by the Commissioner, a Magistrate's Court hearing the complaint may make on such person a summary order (referred to in this Act as a nuisance order).

(2) A nuisance order may be an abatement order or a prohibition order or a closing order or a combination of such orders.

(3) An abatement order may require a person to comply with all or any of the requirements of the notice, or otherwise to abate the nuisance within the time and date specified in the order.

(4) A prohibition order may prohibit the recurrence of a nuisance.

(5) An abatement order or prohibition order shall, if the person on whom the order is made so requires or the Court considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

(6) A closing order may prohibit a dwelling-house from being used for human habitation.

(7) A closing order shall only be made where it is proved to the satisfaction of the Court that by reason of a nuisance a dwelling-house is unfit for human habitation and, if such proof is given, the Court shall make a closing order and may impose a fine not exceeding \$2,000.

(8) A Court, when satisfied that the dwelling-house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

(9) Any person who fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance shall, unless he satisfies the Court that he has used all due diligence to carry out the order, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to a further fine not exceeding \$50 a day during the period of his default.

(10) Any person who knowingly and wilfully acts contrary to a prohibition order or closing order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$300 a day during the period of such contrary action.

(11) In either of the cases mentioned in subsections (9) and (10), the Commissioner or any person authorised by him in writing in that behalf may enter the premises to which a nuisance order relates and abate or remove the nuisance and do whatever is necessary in the execution of such order and the costs and expenses thereby incurred shall be paid by the person in default.

(12) In case of nuisances caused by the act or default of the owner of any premises, such costs and expenses, together with any costs and expenses which the Court orders the owner to pay, shall be deemed to be costs and expenses to which section 124 applies and shall be recoverable under that section.

(13) A Court making any order under this section may require any person on whom any order is made to pay all costs and expenses incurred in obtaining the order.

(14) Where a closing order has been made with respect to any dwelling-house, the Commissioner shall serve notice of the order on every occupier of the dwelling-house and within such period as is specified in the notice not being less than 7 days (save in case of immediate danger) after the service of the notice the order shall be obeyed by him and he and his family shall cease to inhabit the dwelling-house, and in default he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 a day during his disobedience to the order, and the Court shall, upon application by the Commissioner, make a summary order for his ejection and the order may be carried into effect by any police officer or police officers:

Provided that the owner shall make to every tenant whose tenancy has not been lawfully determined such reasonable allowance, if any, on account of his expenses in removing as a Court may allow or order, and such allowance shall be recoverable in a summary manner before a Magistrate's Court. [54]

Order for demolition of dwelling-house unfit for habitation.

54.—(1) Where a closing order has been made in respect of any dwelling-house and has not been cancelled by a subsequent order, the Commissioner, if of the opinion that —

- (a) the dwelling-house has not been rendered fit for human habitation;
- (b) the necessary steps are not being taken with all due diligence to render it so fit; or
- (c) the continuance of the dwelling-house is dangerous or injurious to the health of the public or of the occupants of the neighbouring dwelling-houses,

may make a complaint to a Magistrate's Court, and such Court after hearing the complaint may make on the owner a summary order for the demolition of that dwelling-house within the time and date specified in such order.

(2) The order may also contain a direction that the materials of the dwelling-house or any part of such materials shall be destroyed. [55]

Execution of order for demolition.

55.—(1) Where an order for the demolition of a dwelling-house has been made under section 54 (1), the owner thereof shall, within the time mentioned in such order, take down and remove the dwelling-house and, if the order for demolition so directs and to the extent therein mentioned, destroy the materials thereof.

(2) If the owner fails therein, the Commissioner or any person authorised by him in writing in that behalf shall proceed to take down and remove the dwelling-house and, if necessary, destroy the materials, and may recover the costs of such work from the owner.

(3) Section 124 shall apply to any sum recoverable from any owner under this section. [56]

PART VIII

INSANITARY PREMISES AND OBSTRUCTIVE BUILDINGS

Insanitary premises

56.—(1) Where a Medical Officer of Health or a Public Health Engineer is of the opinion that any premises, whether tenantable or otherwise, are in a filthy or unwholesome state or overgrown with rank or noisome vegetation or in such an insanitary or unhygienic condition as to be a danger to the health of the persons in the premises or in the neighbourhood, he may serve a notice on the owner or the occupier of the premises calling upon him to take such measures as he considers necessary to restore the premises to a fit and proper condition within such time and date as may be specified in the notice.

Premises in unwholesome state.

(2) Any owner or occupier who fails or neglects to comply with such notice within the time and date specified therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine not exceeding \$50 for every day during which such non-compliance continues, and without prejudice to any proceedings under this subsection and whether before or after the commencement or conclusion of such proceedings, the Medical Officer of Health or the Public Health Engineer or any public officer authorised by the Commissioner in that behalf in writing may enter upon the premises and take such measures as have been specified in the notice, and the costs and expenses thereby incurred shall be paid by the person in default and may be recovered in the manner provided under section 121. [57

57.—(1) Where the Commissioner, the Director-General, a Medical Officer of Health or a Public Health Engineer is of the opinion that any house or building or any part thereof is in an unclean, grimy, neglected, unkempt or insanitary condition, he may by order in writing direct the owner or the occupier or tenant thereof to take all or any of the following measures at the expense of the owner, occupier or tenant within a time and date to be specified in the order:

Power to direct owners or occupiers, inter alia, to cleanse, paint, lime-wash and colour-wash buildings.

- (a) remove all refuse, rubbish or garbage within that house, building or part thereof, or in the immediate vicinity of the house or building, to

such place, or otherwise dispose of it at such place, as may be specified in the order;

- (b) cleanse the house, building or part thereof, internally or externally, or both internally and externally, and if necessary disinfect it;
- (c) paint, lime-wash or colour-wash the house or building or part thereof, internally or externally, or both internally and externally; and
- (d) carry out such minor repairs and renovations as are necessary or incidental to any work required to be performed under paragraph (c).

(2) Any owner, occupier or tenant who fails or neglects to comply with all or any of the requirements of such an order within the time and the date specified therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine not exceeding \$50 for every day during which the non-compliance continues.

(3) Without prejudice to any proceedings under subsection (2) and whether before or after the commencement or conclusion of such proceedings, or without instituting such proceedings, the Commissioner, the Director-General, a Medical Officer of Health, a Public Health Engineer, or any person authorised in that behalf by any of them, or a public health auxiliary, may enter into the house, building or any part thereof which is the subject-matter of such an order and take or cause to be taken such measures as have been specified in the order, and the costs and expenses thereby incurred shall be paid by the person in default and may be recovered in the manner provided under section 121 or 124.

(4) The Commissioner, the Director-General, any Medical Officer of Health or Public Health Engineer or any person authorised in that behalf by any of them, or any owner who has been served with an order under subsection (1) or any person authorised in that behalf by the owner, may for the purposes of that subsection enter between 6 a.m. and 6 p.m. into and upon any house or building to make any survey or inspection or to execute any work required by the order or authorised by that subsection; and the occupier or tenant thereof shall, for this purpose, render such assistance as may be necessary (including the shifting of movable objects within the house or building) to enable the survey,

inspection or execution of such work to be proceeded with and completed as expeditiously as possible.

(5) No person shall, except with the consent of the occupier or tenant, enter any house or building by virtue of the powers conferred by this section, without at least 6 hours' previous notice being given to the occupier or tenant.

(6) Where any order made under subsection (1) contains any direction for the painting, lime-washing or colour-washing of the external part of any building which consists of 3 or more storeys including the ground floor, and the owners, occupiers or tenants thereof are unable to agree on a colour scheme for the painting, lime-washing or colour-washing of the external part of the building, the Commissioner, the Director-General or any officer authorised in that behalf by either of them may, in his discretion, after ascertaining the wishes of the majority of the owners, occupiers or tenants or otherwise, as he may think fit, determine a colour scheme and direct all the owners, occupiers or tenants to adopt that colour scheme.

(7) Where any painting, lime-washing or colour-washing of the external part of any such building is carried out under subsection (3), the Commissioner, the Director-General or any officer authorised in that behalf by either of them, may, in his discretion, after ascertaining the wishes of the majority of the owners, occupiers or tenants concerned or otherwise, as he may think fit, determine such colour scheme. [58

58.—(1) Notwithstanding any written law, where any controlled premises are the subject of an order under section 57 (1), such proportion of the costs and expenses incurred by an owner in complying with the order as relates to any work executed only within the interior of the house or building may be recovered by the owner from the tenant thereof in equal instalments over a period of 24 months; and in the event of a change of tenancy, any outstanding balance due to the owner may be recovered by him from any subsequent tenant or tenants in equal instalments of the same amount.

Costs and expenses of work executed within controlled premises recoverable by owner.

(2) Nothing in subsection (1) shall be construed as precluding any owner and tenant from agreeing upon a mutually acceptable arrangement for the payment of any amount due under that subsection.

(3) The amount of costs and expenses payable under subsection (1) and, if necessary, the apportionment of the same, and any question of liability shall, in the case of any dispute between the owner and the tenant, be summarily ascertained and determined by a Magistrate's Court or, if the amount exceeds \$2,000, by a District Court; and where any such amount which a party is liable to pay has been determined by a Magistrate's Court or a District Court, it may be recovered as if it were a fine imposed by that Court.

(4) Where there is neglect, failure or refusal to pay the amount of the costs and expenses that a party is liable to pay under subsection (1), and the matter is not the subject of a dispute to which subsection (3) applies, that amount may be recovered in the same manner as if it were a fine imposed by a Magistrate's Court.

Cap. 68.

(5) An appeal shall lie to the High Court from any decision of a Magistrate's Court or District Court under this section, and the provisions of the Criminal Procedure Code shall, *mutatis mutandis*, apply to all such appeals.

(6) For the purposes of this section —

Cap. 58.

“controlled premises” means any house or building that is subject to control pursuant to the provisions of the Control of Rent Act;

“tenant” means the tenant of controlled premises in respect of which a tenancy exists and includes a statutory tenant within the meaning of Part IV of the Control of Rent Act and in the case of a sub-tenancy a sub-tenant to whom the controlled premises are, or part thereof is, sublet.

[59

Destruction
of rats, etc.

59.—(1) Where a Medical Officer of Health or a Public Health Engineer is of the opinion that any premises are so infested with rats, mice, insects or other vermin as to be a danger to the health of the persons in the premises or in the vicinity thereof, he may serve notice in writing on the owner or the occupier of such premises, calling upon him to take such measures as he considers necessary, within such time and date as may be specified in the notice, for the destruction of the rats, mice, insects or other vermin and for the

removal of their breeding places and for preventing their reappearance.

(2) If, in any premises, wasps, bees, hornets or other insects capable of stinging exist and a Medical Officer of Health or a Public Health Engineer is of the opinion that there is a probability, risk or danger that the persons in those premises or in the vicinity thereof may be stung by them, or if any such persons have been stung by them, he may serve a notice in writing on the owner or the occupier of the premises, calling upon him to take such measures, at the expense of the owner or occupier, as the Medical Officer of Health or a Public Health Engineer considers necessary, within such time and date as may be specified in the notice, for the destruction of the insects, for the removal of their breeding places and for preventing their reappearance.

(3) Where such insects exist in any vacant premises and the owner cannot by the exercise of reasonable diligence be found, and a Medical Officer of Health or a Public Health Engineer is of the opinion that the persons in the vicinity of the premises are in imminent danger of being stung by insects, or if any such persons have been stung by them, he may, upon the written consent of the Commissioner being first obtained, enter upon the premises and take such measures as he considers necessary for the destruction of the insects, for the removal of their breeding places and for preventing their reappearance, and the costs and expenses thereby incurred shall be borne by the Government.

(4) Any owner or occupier who fails or neglects to comply with any notice served under subsection (1) or (2) within the time and date specified therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine not exceeding \$50 for every day during which such non-compliance continues, and without prejudice to any proceedings under this subsection and whether before or after the commencement or conclusion of such proceedings, the Medical Officer of Health or the Public Health Engineer or any public officer authorised by the Commissioner in that behalf in writing may enter upon the premises and take such measures as have been specified in the notice, and the costs and expenses thereby incurred shall be paid by the person in default and may be recovered in the manner provided under section 121. [60

Closing and
demolition,
etc., of
insanitary
dwellings.

60.—(1) When a Medical Officer of Health or a Public Health Engineer has certified in writing that in his opinion any building or part of a building or anything attached to a building used or occupied as a dwelling is unfit for human habitation and cannot be rendered fit therefor without the removal, alteration or demolition in whole or in part of any partition, compartment, loft, gallery, pent-roof, out-house or other structure or erection or without the execution of such alterations or structural operations as he specifies, the Commissioner may by notice in writing require the owner thereof to carry into effect all or any of the following:

- (a) the removal, alteration or demolition of the whole or a part of the partitions or other erections or obstructions complained of;
- (b) the execution of such operations or structural alterations as are necessary to render the premises fit for human habitation and to guard against danger of disease.

(2) The notice shall appoint not less than 24 hours in advance for the commencement of the operation enjoined and shall specify the period within which the operation shall be completed.

(3) If the notice has not been complied with within the specified period, a Magistrate's Court may, on the application of the Commissioner, make a mandatory order requiring the owner to carry into effect all or any of the things specified in that notice.

(4) Any person who, without the express sanction in writing of the Commissioner, replaces any partition, erection or obstruction removed under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, and the Commissioner or any person authorised by him in that behalf in writing may enter upon such premises and remove such partition, erection or obstruction.

(5) The Commissioner may also, by notice to be posted in a conspicuous position upon the building, require the owner or the occupiers, as the case may be, to cease to inhabit the building and to remove all goods, furniture and effects from the building within 48 hours from the posting of the notice.

(6) The owner and every occupying tenant shall thereupon comply with the requirements of the notice.

(7) Any owner or occupier in default shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 a day during the period in which he has failed to comply with the requirements of the notice.

(8) At the expiration of 48 hours from the posting of the notice mentioned in subsection (5), the Commissioner or any person authorised by him in that behalf in writing may remove all goods, furniture and effects from the building.

(9) The notice mentioned in subsection (5) shall be in the Malay, Chinese, Tamil and English languages. [61

61.—(1) Any person who permits a house to be so overcrowded as to be injurious or dangerous to the health of the inhabitants shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, and the Magistrate's Court hearing the complaint may make a nuisance order under section 53, notwithstanding that the notice prescribed by section 52 has not been given.

Over-crowding of houses.

(2) Any person who fails to comply with such a nuisance order shall be liable to be dealt with under section 53.

[62

62. For the purposes of this Act, a house shall be deemed to be so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof, if it or any room therein is found to be inhabited in excess of the proportion of one adult to every 10 cubic metres of clear internal space, and in such calculation every person over 10 years of age shall be deemed to be an adult and two children under 10 years of age shall be counted as an adult. [63

When house to be deemed overcrowded. S 222/72.

Obstructive buildings

63.—(1) If a Medical Officer of Health or a Public Health Engineer finds that any building, although not in itself unfit for human habitation, is so situated that by reason of its proximity to or contact with any other buildings —

Representation concerning obstructive buildings.

- (a) it stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

- (b) it prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings,

the Medical Officer of Health or the Public Health Engineer shall make representation to the Commissioner regarding such first-mentioned building (referred to in this Part as an obstructive building) stating that in his opinion it is expedient that the obstructive building should be pulled down.

(2) The Commissioner on receiving any such representation shall call for a report respecting the circumstances of the building and the cost of pulling down the building and acquiring the land.

(3) On receiving such report, the Commissioner shall take into consideration the representation and the report and, if he decides to proceed, shall cause a copy of both the representation and the report to be given to the owner of the obstructive building with notice of the time, date and place appointed by the Commissioner for the consideration thereof.

(4) Such owner may attend and state his objections, and after hearing such objections the Commissioner shall make an order either allowing the objection or directing that such obstructive building shall be pulled down.

(5) Any person aggrieved by an order of the Commissioner under this section may, within 14 days after notice of the order has been served upon him, appeal to the Minister and no work shall be done nor proceedings taken under such order until after the appeal is determined.

(6) The person aggrieved shall be heard by himself or by counsel and the Commissioner shall be heard by himself or by a person appointed by him or by counsel.

(7) Where an order of the Commissioner for pulling down an obstructive building is made under this section and either no appeal is made against the order or an appeal is made and either fails or is abandoned, the Government may purchase the land on which the obstructive building is erected.

(8) Such an order shall have the like effect with respect to the building as a declaration made under section 5 of the

Land Acquisition Act, and the obstructive building and the land on which it is erected may be acquired and paid for in accordance with that Act or any other written law for the time being in force governing the acquisition of land for public purposes. Cap. 152.

(9) The owner may, within one month after notice has been given as provided by section 8 of the Land Acquisition Act, declare that he desires to retain the site of the obstructive building and undertakes either to pull down or to permit the Commissioner to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the Government for the pulling down of the obstructive building.

(10) Such compensation shall, in all cases where the amount claimed does not exceed \$1,000, be ascertained in the manner provided by section 121, but in all other cases shall be ascertained and paid for in accordance with the Land Acquisition Act or any other written law for the time being in force governing the acquisition of land for public purposes.

(11) Where the owner retains the site or any part thereof, no house or other building or erection which will be an obstructive building within the meaning of this section shall be erected upon such site or any part thereof, and the Building Authority shall not approve of the plan of any building to be erected upon such site which will be an obstructive building within the meaning of this section.

(12) Where the lands are acquired or purchased by the Government, the Commissioner shall cause to be pulled down the obstructive building or such part thereof as is obstructive within the meaning of this section and keep as an open space the whole site or such part thereof as is required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building and the Government may, upon such terms as it thinks expedient, sell, exchange or lease such portion of the site as is not required for the purpose of carrying this section into effect.

(13) In particular, there may be inserted in any grant or lease of any part of the site provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed and to maintain and repair the building and prohibiting the

erection of buildings and any addition to or alteration of the character of the building without the consent of the Commissioner and for the reverting of the land to the Government or its re-entry thereon in case of breach of any grant or lease subject to section 18 of the Conveyancing and Law of Property Act.

Cap. 61.

(14) The Minister may, where he so thinks fit, dedicate any land acquired by the Government under the authority of this section as a highway or other public place. [64

Order
to enter.

64.—(1) If it appears to a Magistrate's Court, on the application of any owner of a dwelling-house, that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made or in the demolition of any building or dwelling-house and that the interests of the applicant will be prejudiced by such default and that it is just to make the order, the Court may make an order, empowering the applicant forthwith to enter on the dwelling-house and within the time fixed by the order to execute the works or to demolish the building and, where it seems to the Court just to do so, the Court may make a like order in favour of any other owner.

(2) A Magistrate's Court may in any case by order extend the time allowed under any order for the execution of any works or the demolition of a building.

(3) Before an order is made under this section, notice of the application shall be given to the Commissioner. [65

Remedies of
owner for
breach of
covenant,
etc., not
prejudiced.

65.—(1) Nothing in this Act shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by the Commissioner under this Part.

(2) If any owner is obliged to take possession of any dwelling-house in order to comply with any such order, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance that has occurred prior to his so taking possession. [66

66.—(1) If any person being the occupier of any dwelling-house prevents the owner thereof or being the owner or occupier of any dwelling-house prevents a Medical Officer of Health or a Public Health Engineer or any person acting on behalf of the owner or of the Commissioner from carrying into effect with respect to the dwelling-house any of the provisions of this Part after notice of the intention to do so has been given to such person, a Magistrate's Court on proof thereof, may order such person to permit to be done on such premises all things requisite for carrying into effect with respect to such dwelling-house the provisions of this Part.

Penalty for preventing execution of this Part.

(2) Any person who at the expiration of 7 days after the service of such order fails to comply therewith shall be guilty of an offence and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding \$1,000:

Provided that, if any such failure is by the occupier, the owner shall not be liable to a fine if he has applied for an order under subsection (1). [67]

PART IX

SANITARY CONVENIENCES, DRAINS, SEWERS AND WELLS

67. In this Part —

Definition.

“latrine” means a place for defecating and urinating, other than a toilet or urinal, and includes bucket latrines, bore-hole latrines, water-seal latrines and pit-latrines;

“lavatory” means a place with toilets or urinals or both and wash basins;

“sanitary conveniences” includes latrines, lavatories, toilets, urinals, water-closets and wash basins;

“toilet” means a facility for urinating and defecating which is water flushed, and which connects, directly or otherwise, with a private sewage disposal system or with the public sewage disposal system;

“urinal” means a facility for urinating which is water flushed, and which connects, directly or otherwise, with a private sewage disposal system or with the public sewage disposal system;

“wash basin” means a facility for washing the hands and face which is water supplied, whether or not connected with a private sewage disposal system or with the public sewage disposal system. [68]

Public lavatories and latrines.

68.—(1) The Commissioner may provide and maintain in proper and convenient situations so as not to create a nuisance, lavatories or latrines for public use and shall cause the same to be kept in proper order and to be cleansed daily.

(2) The Commissioner may charge a fee for the use of any such lavatory or latrine or may license such lavatories or latrines for such periods and on payment of such fees as he may think fit. [69]

Building Authority may consult Commissioner as to sanitary conveniences. Cap. 29.

69. The Building Authority may, before approving any plans and specifications submitted to him in respect of any new building pursuant to section 5 of the Building Control Act, consult the Commissioner as to whether the sanitary conveniences for the building are adequate and satisfactory and, as far as possible, give effect to any advice in connection therewith that may be tendered by the Commissioner. [70]

Insufficient and defective sanitary conveniences.

70.—(1) If it appears to the Commissioner —

(a) that any building or part thereof is without sufficient sanitary conveniences; or

(b) that any sanitary conveniences provided for or in connection with a building or part thereof are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition,

the Commissioner shall, by notice in writing to the owner of the building, require him to provide the building or any part thereof with such sanitary conveniences as may be necessary.

(2) The Commissioner may, in his discretion, by notice in writing to the owner of any building or part thereof, require him to re-site any latrine attached thereto. [71]

Repairs.

71. If it appears to the Commissioner that any sanitary conveniences provided for or in connection with a building or part thereof are in such a state as to be defective or prejudicial to health or a nuisance, but that they can without

reconstruction be put into a satisfactory condition, the Commissioner shall by notice in writing require the owner or the occupier of the building to execute such works or to take such steps by cleansing the sanitary conveniences or otherwise as may be necessary for that purpose. [72

72.—(1) Any building which is used as a work place shall be provided with such adequate and satisfactory sanitary conveniences as the Commissioner may think fit, having regard to the number of persons employed in, or in attendance at, the building, and where persons of both sexes are employed or in attendance, with adequate and satisfactory separate sanitary conveniences for persons of each sex, unless the Commissioner is satisfied that in the circumstances of any particular case the provision of such separate sanitary conveniences is unnecessary.

Sanitary conveniences in work places.

(2) If it appears to the Commissioner that subsection (1) has not been complied with in the case of any building or part thereof, he shall by notice in writing require the owner or the occupier of the building to make such alterations in the existing sanitary conveniences and to provide such additional sanitary conveniences as may be necessary. [73

73.—(1) The owner and the occupier of every building in or in connection with which a toilet or urinal is provided shall cause the flushing apparatus thereof to be kept supplied with water sufficient for flushing.

Care of sanitary conveniences.

(2) Where sanitary conveniences are used in common by the members of two or more families or by members of the public or by employees, the owner, the occupier, the chief or principal tenant or the person in charge of the premises concerned, as the case may be, shall maintain such sanitary conveniences in a clean and hygienic manner without causing any nuisance to sight or smell.

(3) Any person who contravenes any of the provisions of subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500. [75

74. The Commissioner may, by notice in writing, require any person employing workmen or other persons exceeding 10 in number in any temporary worksite to construct such number and type of latrines or other form of sanitary conveniences as the Commissioner may think fit. [76

Power to require latrines to be constructed.

Inadequate
bathroom
facilities.

75. If it appears to the Commissioner that any building or part thereof is without any bathroom or without adequate facilities for bathing, he may, by notice in writing to the owner of the building or of the part thereof, require him to provide the building or the part thereof with one or more bathrooms or with such facilities for bathing as the Commissioner may consider adequate. [77]

Notices
and penalty
for non-
compliance.

76.—(1) Any notice issued by the Commissioner in pursuance of any section in this Part shall be complied with within 21 days of the date thereof unless extension of the period has been granted by the Commissioner.

(2) Any person who fails or neglects to comply with any such notice within the period specified therein including any extension thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine not exceeding \$50 for every day during which the offence continues after conviction, and a Magistrate's Court may, on the application of the Commissioner, make a mandatory order requiring such person to construct such sanitary conveniences as the Court thinks fit.

(3) Where any person who has been served with any such notice fails to comply therewith, the Commissioner may, in his discretion, without prejudice to any proceedings under subsection (2) and whether before or after the commencement or conclusion of such proceedings, carry out such works as are specified in the notice and recover from such person the costs and expenses thereof in the manner provided in section 121.

(4) Nothing in this section shall be deemed to prohibit the Commissioner from carrying out any works specified in any such notice at the request of a person who has been served with the notice upon an undertaking by that person to pay the costs and expenses incurred in executing the works. [78]

Construction
and
maintenance
of private
drains.

77.—(1) The Commissioner or a Public Health Engineer may, by notice in writing, require the owner or owners of any land or the owners of adjoining lands, at the expense of such owner or owners —

(a) to construct such drain or number of drains as the Commissioner may consider necessary in

accordance with such specifications as he may think fit; and

- (b) to maintain and keep in a clean and sanitary condition any drain or drains so constructed or any other existing drain or drains in such land or lands.

(2) For the purpose of ensuring a free flow of water, the Commissioner may cause one or more drains to be constructed through, across or under any land or lands whatsoever after giving notice in writing in that behalf to the owner or owners thereof, doing as little damage as may be and making full compensation for any damage done; and if any dispute arises concerning the amount or apportionment of compensation, it shall be settled in the manner provided in section 121. [80

78.—(1) All sewers, drains, privies, cesspools, septic or other tanks, latrines, urinals, water-closets, sinks, baths or lavatories or any appurtenance thereof, shall be altered, repaired and kept in proper order at the cost and charge of the owners of the land and buildings to which the same belong or for the use of which they are maintained.

Drains, etc.,
to be kept
in order at
cost of
owners.

(2) If the owner of any land or building to which any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof belongs, neglects after notice in writing for that purpose to alter, repair or put the same in good order in the manner required by the Commissioner, and within the time and date specified in the notice, a Magistrate's Court may, on the application of the Commissioner, make a mandatory order requiring him to alter, repair and put the same in good order as required by the Commissioner.

(3) In any case where a Medical Officer of Health or a Public Health Engineer or any public officer authorised in writing by the Commissioner in that behalf is satisfied that an emergency exists and that it is necessary immediately to alter, repair or put in good order and condition any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof, such Medical Officer of Health, Public Health Engineer or public officer may enter with such assistants

and workmen as are necessary, upon any land or building and may do or cause to be done such alterations, repairs, works, acts or things as are necessary for any of the purposes aforesaid, and the expenses reasonably and necessarily incurred in so doing may be recovered from the person who is the owner of the land or building when the work is completed, and in default of agreement the amount of such expenses may be determined under section 121, and section 124 shall apply to the amount for which judgment is given:

Provided that no entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without 6 hours' previous notice to such occupier.

(4) Any person who —

- (a) has constructed any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof, contrary to this Act or any regulations made thereunder or contrary to any other written law in force at the time of its construction;
- (b) without the consent of the Commissioner constructs any new sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof; or
- (c) constructs, rebuilds or unstops any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof, which has been ordered by the Commissioner to be demolished or stopped up or not to be made,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [81

Inspection
of drains
and privies.

79.—(1) A Medical Officer of Health or a Public Health Engineer or any public officer authorised in writing by the Commissioner in that behalf may inspect any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof, and for that purpose at any time may enter upon

any land or building with such assistants and workmen as are necessary and cause the ground to be opened, doing as little damage as may be.

(2) If upon such inspection, it appears that a sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof is not in good order and condition, the expenses of such inspection shall be paid by the owner of the land at the time the inspection is completed, and section 119 shall apply thereto.

(3) No entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without 6 hours' previous notice to such occupier. [82

80.—(1) No person other than the owner or the occupier of an agricultural holding shall, without the previous permission of the Commissioner, open, dig or otherwise construct or permit or allow to be opened, dug or otherwise constructed any well, tank or reservoir, the water in which is likely to be used for drinking or domestic purposes; and for the purposes of this subsection, any well within the curtilage of any dwelling-house shall be deemed to be likely to be used for drinking or domestic purposes.

Restriction
on construc-
tion of wells.

(2) If the owner or the occupier of any agricultural holding opens, digs or otherwise constructs or permits or allows to be opened, dug or otherwise constructed any well, tank or reservoir, he shall report the opening, digging or construction of the well, tank or reservoir, as the case may be, within one month thereof to the Commissioner.

(3) Any person who commits a breach of subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

(4) The Commissioner may give to the owner or the occupier of any premises notice to close any well, tank or reservoir, the water in which is likely to be used for drinking or domestic purposes and may by that notice specify any works to be executed for such purpose within a time and date to be specified in the notice, and the owner or the occupier shall comply with the terms of the notice.

(5) If the owner fails to execute the works referred to in such notice, section 114 shall apply, and in addition a

Magistrate's Court may make an order directing the well, tank or reservoir to be permanently closed.

(6) If after a Magistrate's Court has made an order directing a well, tank or reservoir to be permanently closed, the same is at any time reopened, the owner and the occupier at the time the well, tank or reservoir is found to be reopened shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, and section 114 shall apply thereto. [83]

PART X

GENERAL HEALTH REQUIREMENTS FOR BUILDINGS

Building Authority may consult Commissioner regarding health requirements of buildings. Cap. 29.

81. The Building Authority may, before approving any plans and specifications submitted to him in respect of any building pursuant to section 5 of the Building Control Act, consult the Commissioner with regard to the health and sanitary requirements of the building and, as far as possible, give effect to any advice in connection therewith that may be tendered by the Commissioner. [84]

Buildings to which the public has access to be kept clean.

82.—(1) The owner, the occupier or the lessee of any building or any part thereof to which the public has access shall —

- (a) regularly clean and keep clean and in good repair such building or part thereof; and
- (b) keep such building or part thereof free of such conditions as may endanger the lives or health of his employees, members of the public and other users thereof.

(2) Where, in the opinion of the Commissioner, the owner, the occupier or the lessee of any such building or part thereof fails to comply with subsection (1) (a) or (b), the Commissioner may, by notice in writing, require such owner, occupier or lessee within such period as may be specified therein to take such steps as the Commissioner may think fit.

7/74.

(3) In any notice issued by the Commissioner under subsection (2), the Commissioner may, in the case of an air-conditioned building or part thereof, —

- (a) prescribe temperature and humidity controls for such air-conditioned building or part thereof; and

(b) require the owner, occupier or lessee of such building or part thereof —

(i) to install automatic devices for recording the temperature and humidity level in such building or part thereof; and

(ii) to keep such records and charts of the temperature and humidity level in such building or part thereof as the Commissioner may direct for the inspection of the Commissioner.

(4) Any person who contravenes any of the provisions of subsection (1), or refuses, neglects or fails to comply with any notice issued by the Commissioner under subsection (2) within such period as may be specified therein, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and to a further fine not exceeding \$25 for every day during which the offence continues after conviction.

(5) Where any person who has been served with a notice under subsection (2) fails to comply therewith, the Commissioner may, in his discretion, without prejudice to any proceedings under subsection (4) and whether before or after the commencement or conclusion of such proceedings, carry out all or any of the requirements set out in the notice and recover from such person the costs and expenses thereof in the manner provided in section 121. [85]

83. The Commissioner may, in his discretion, by notice in writing require any employer to provide for his employees, if in the opinion of the Commissioner the conditions or circumstances under which such employees work so warrant, suitable and sufficient facilities by way of mess rooms, rest rooms, canteens or changing rooms or to improve upon the same if the Commissioner considers the existing facilities inadequate. [86]

Commissioner may require employers to provide mess rooms, etc.

84. The Commissioner may, by notice in writing, direct the owner, the occupier or the lessee of any premises where there is or are present, or from which there issue or issues, dust, fumes, vapours, gases, heat, radiation, odours, noise, vibration or other emanation, any of which in the opinion of the Commissioner is excessive or offensive or dangerous or injurious to health, to take such measures as the

Control of offensive conditions.

Commissioner may think necessary to eliminate or reduce the same within a specified period, and the owner, the occupier or the lessee shall give effect to such directions within the time and date specified in the notice. [87

Penalites.

85. Any person who fails or neglects to comply with any notice issued by the Commissioner under section 83 or 84 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to a further fine not exceeding \$50 for every day during which the offence continues after conviction. [88

PART XI

OFFENSIVE TRADES

Offensive trades not to be carried on without licence.

86.—(1) No person shall establish or use any premises for any of the purposes set out in the Second Schedule without first obtaining a licence therefor from the Commissioner who, in granting a licence, may impose such terms and conditions as he may think fit.

(2) Any person who without a licence establishes or uses any premises or permits the same to be established or used for any of the purposes set out in the Second Schedule shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to a further fine not exceeding \$200 for every day during which the offence continues after conviction. [89

Power to enter into and search premises used for offensive trades.

87. The Commissioner, any Medical Officer of Health or any public health auxiliary may, at any time, enter into and inspect and search any premises which are used, or which he has reasonable grounds for believing to be used, for any of the purposes set out in the Second Schedule. [90

Suspension or revocation of licence.

88. The Commissioner may in his discretion at any time suspend or revoke any licence granted under section 86 (1):

Provided that if such licence is suspended or revoked except on the ground of the licensee having contravened any of the provisions of this Act or any regulations made thereunder or any of the terms or conditions imposed by the Commissioner under section 86 (1), the Government shall be liable to make compensation to the licensee for the loss to which such suspension or revocation subjects him. [91

89.—(1) The Commissioner may prohibit the use of any particular place or area for all or any of the purposes set out in the Second Schedule.

Prohibition of offensive trades in particular areas.

(2) Notice of every such prohibition shall be published in the *Gazette* and such notice shall contain a statement that application for its cancellation may be made to the Minister at any time within one month from its publication and that it shall not come into operation until the expiration of two months from such publication.

(3) The Minister may, upon application made within one month from its publication, cancel any such notice of prohibition and thereupon the notice shall become null and void.

(4) No compensation shall be payable by the Government to the owners or other persons interested in any property comprised in any area within which the carrying on of any trade or business has been prohibited under this section.

[92

PART XII

SWIMMING POOLS

90. In this Part, “swimming pool” means any swimming pool to which the public has access, whether or not admission is gained by payment, and includes any swimming pool managed, operated or run by a hotel, club, association or other organisation.

Definition.

[93

91. No person shall establish, manage, operate or run a swimming pool without first obtaining a licence from the Commissioner who, in granting a licence, may impose such terms and conditions as he may think fit.

Licensing of swimming pools.

[94

92. After the commencement of this Part, no person shall construct, alter, add to or demolish any swimming pool or any buildings, sanitary conveniences, showers or other facilities associated with the swimming pool unless detailed plans and specifications for the construction, alteration, addition or demolition are submitted to and approved in writing by the Commissioner.

Approval of Commissioner for construction, alteration, etc., of swimming pools.

[95

93.—(1) The Commissioner may, in his discretion, by notice in writing, require the owner or person in charge of

Closure of swimming pools.

any swimming pool to close the swimming pool within a specified time —

- (a) if he fails to comply with any of the provisions of this Part or of any regulations pertaining to swimming pools made under this Act;
- (b) if there is a generalised epidemic of any infectious disease; or
- (c) if there is an outbreak of an infectious disease in the particular area in which the swimming pool is situated.

(2) Upon the receipt from the Commissioner of any such notice, the owner or person in charge shall close the swimming pool within such time as is specified in the notice.

(3) Upon compliance by such owner or person in charge with the provisions that he has contravened as specified in such notice, or upon the cessation of the generalised epidemic of infectious disease or upon the cessation of any outbreak of infectious disease in the particular area in which the swimming pool is situated, as the case may be, the Commissioner shall by notice in writing grant permission to the owner or person in charge for the reopening of the swimming pool. [96]

Penalty.

94. Any person who contravenes any of the provisions of this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [97]

Regulations.

95. Without prejudice to the generality of section 143, the Minister may make regulations for any of the purposes of this Part, and such regulations may provide for —

- (a) the proper use and maintenance of swimming pools;
- (b) the standards necessary to ensure the adequacy and cleanliness of swimming pools and the accommodation thereat;
- (c) the securing of the purity of the water in swimming pools;
- (d) the regulation of the conduct of persons admitted to swimming pools; and
- (e) the prevention of accidents thereat. [98]

96. The provisions of this Part, except those of sections 91 and 94, apply to swimming pools owned by the Government. Application to Government swimming pools. [99]

PART XIII

FUNERAL PARLOURS, CEMETERIES AND CREMATORIA

Funeral parlours

97. In this Part, “funeral parlour” means any premises where corpses are received for the purpose of preparation for burial or cremation or for the carrying out of funeral rites or ceremonies prior to burial or cremation, and includes any premises used for such purpose by whatever name called. Definition. [100]

98.—(1) No person shall establish, use, manage, operate or run any premises as a funeral parlour without first obtaining a licence from the Commissioner who, in granting a licence, may impose such terms and conditions as he may think fit. Licensing of funeral parlours.

(2) The Commissioner may, in his discretion, refuse to issue a licence for a funeral parlour if he considers that the situation of the premises is undesirable for the purpose or that the premises themselves are unsuitable for the purpose or for such other reason as he may think fit.

(3) The Commissioner may, in rejecting any application for the establishment of a funeral parlour, refuse to assign any reason for such rejection. [101]

99.—(1) No licensee of any funeral parlour shall receive the corpse of any person who has died of any of the infectious diseases set out in the Third Schedule without the permission in writing of a Medical Officer of Health. Corpse of person who has died of infectious disease.

(2) The Medical Officer of Health may, in his discretion, refuse to grant permission for such corpse to be received into a funeral parlour, or may grant permission for such corpse to be so received subject to such terms and conditions as he may think fit. [102]

100. No corpse in an advanced stage of decomposition shall be received into any funeral parlour unless encoffined in a hermetically sealed coffin. Decomposed corpse. [103]

Penalty.

101. Any person who contravenes any of the provisions of section 98 (1), 99 (1) or 100 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to a further fine not exceeding \$100 for every day during which the offence continues after conviction. [104

Regulations.

102. Without prejudice to the generality of section 143, the Minister may make regulations for any of the purposes of this Part, and such regulations may provide for —

- (a) the keeping, display and exposure of corpses;
- (b) the embalming of corpses;
- (c) the construction, layout, cleanliness and maintenance of funeral parlours; and
- (d) such other matters as may be considered necessary for the protection of public health. [105

Cemeteries and crematoria

Government
may provide
cemeteries
and
crematoria.

103.—(1) The Government may provide suitable places to be used as public cemeteries and crematoria and shall make proper provisions for maintaining the same.

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(2) The Commissioner may issue licences for such period as he thinks fit for the establishment of cemeteries and crematoria and may attach thereto such conditions as he may think fit. [106

Places which
may be used
for burials,
etc.

104.—(1) No place shall be used or prepared for the burial or burning of any corpse except —

- (a) cemeteries or crematoria provided by the Government or licensed by the Commissioner under section 103 (2);
- (b) places heretofore registered under section 105 or licensed under section 106 of the Indian Act XIV of 1856 or otherwise lawfully opened, made or formed, in which burials and burnings have not been prohibited under section 106 or under any law previously in force;
- (c) places licensed by the Municipal Commissioners before 1st July 1906; or
- (d) places licensed by the Minister under the provisions of the Burials Ordinance and the Local Government Integration Act prior

to the date of commencement of this Act.

(2) The Commissioner may permit the burial at any suitable place of the corpse of any person who in the opinion of the Minister has rendered eminent service to Singapore notwithstanding subsection (1). [107]

105.—(1) Any person who buries or burns or causes or procures or suffers to be buried or burned any corpse in or upon any place, not being a place where burial or burning is permitted under this Act, or prepares any such place to be used for the burial or burning of any corpse, shall be guilty of an offence and shall be liable on conviction by a District Court to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both. Unlawful burials.

(2) A District Court, if for sanitary or other reasons it considers it expedient may, by a written order under its seal, direct any person who has been convicted of an offence under this section to remove within 14 days —

(a) the corpse in respect of the unlawful interment of which he has been convicted from the place in which it has been buried to a lawful burial ground; or

(b) any structure which has been erected at such place.

(3) If, within 14 days, the person convicted produces to the District Court a licence granted under section 103 or 104, the order may be cancelled.

(4) Any person who refuses or neglects to comply with any such order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to a further fine not exceeding \$500 for every day during which such default continues, and the District Court may proceed to carry the order into execution at the expense of such person and to hire or employ proper persons for that purpose and may recover such expense in the manner provided by law for the levy of fines imposed by a Court. [108]

106.—(1) If at any time it appears to the Commissioner that —

(a) burials in any cemetery or place of burial should be wholly discontinued;

Power to close cemeteries, etc.
32/72.

- (b) the burning of corpses in any crematorium or any place used for the burning of corpses should be wholly discontinued; or
- (c) any cemetery or place of burial, crematorium or any place used for the burning of corpses or any part thereof is being used in contravention of any condition of the licence issued in respect of the same,

the Commissioner may order the same or any part thereof to be closed and may revoke or amend the licence thereof and thereafter it shall not be lawful to use the same or such part thereof, as the case may be, as a place for the burial or burning of corpses.

(2) No such closing, revocation or amendment shall have effect unless it has been confirmed by the Minister. [109

Unauthorised
structures.

107.—(1) No person shall construct or erect any unauthorised structure in any cemetery or crematorium.

(2) The Commissioner shall, by notice in writing, require any person who constructs or erects an unauthorised structure in any cemetery or crematorium to demolish or remove the structure within such period as he may specify, and if such person fails to do so within the period specified, the Commissioner may cause the structure to be removed or demolished.

(3) Any person who contravenes subsection (1) or fails to comply with any notice given under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both. [110

Exhumation.

108.—(1) No corpse shall be exhumed otherwise than —

- (a) by order of a District Court under section 105;
- (b) by order of a Magistrate, Coroner or Deputy Commissioner of Police for the purpose of judicial inquiry; or
- (c) by licence granted for that purpose by the Commissioner.

(2) No licence shall be granted under subsection (1) (c) —

- (a) where the cause of death was a dangerous infectious disease within the meaning of any

written law for the time being in force relating to quarantine and prevention of disease; or

- (b) in the case of a corpse that has been buried for a period of less than 5 years unless the Commissioner is satisfied that there are special reasons requiring the exhumation.

(3) Any person who exhumes or causes to be exhumed or being the owner, the trustee or the person in charge of any burial ground permits to be exhumed any corpse in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [111

109.—(1) No corpse shall be retained in any premises, including a funeral parlour, for a period longer than 48 hours after death, unless the corpse is encoffined in a hermetically sealed coffin or is embalmed. Period of retention of corpse.

(2) So long as such corpse is encoffined in a hermetically sealed coffin or is embalmed, it may be retained in any premises, including a funeral parlour, for a period not exceeding 7 days after death, but where it is intended to retain a corpse for a period exceeding 7 days, the permission in writing of the Commissioner shall first be obtained.

(3) The Commissioner may in granting permission under subsection (2), impose such conditions as he may think fit. [112

PART XIV

MISCELLANEOUS

110.—(1) The Commissioner, any Medical Officer of Health, any Public Health Engineer, any public health auxiliary or such other persons as the Commissioner may authorise in writing in that behalf may, for the purposes of this Act or any regulations made thereunder, enter between 6 a.m. and 6 p.m. into and upon any building or land in order to make any survey, inspection or search or to execute any work authorised by this Act or any regulations made thereunder without being liable to any legal proceedings or molestation whatsoever on account of such entry or of Power to enter upon lands for purposes of this Act.

anything done in any part of such building or land in pursuance of this Act or any regulations made thereunder:

Provided that no person shall, unless with the consent of the occupier thereof, enter any house by virtue of the powers conferred by this section without at least 6 hours' previous notice being given to the occupier thereof, if any.

(2) The Minister may declare that any class of premises for the control and supervision of which regulations may be made under this Act are liable to night inspection, and thereupon the Commissioner, any Medical Officer of Health, any Public Health Engineer, any public health auxiliary or such other persons as the Commissioner may authorise in writing in that behalf may, at any time of the day or night and without notice, enter using such force as may be necessary into and search or inspect any premises of the class specified in the declaration. [113]

Power
to enter
on lands
adjacent
to works.
S 222/72.

111.—(1) The Commissioner, any Medical Officer of Health, any Public Health Engineer, any public health auxiliary or such other persons as the Commissioner may authorise in writing in that behalf may enter upon any land adjoining to or being within the distance of 92 metres of any works by this Act authorised to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with the formation of the works without making any previous payment, tender or deposit, doing as little damage as may be in the exercise of the several powers hereby granted and making compensation for such temporary occupation or temporary damage of the land to the owner and the occupier thereof from time to time and as often as any such temporary occupation is taken or any such temporary damage done and making compensation to the owner also for the permanent injury, if any, to such land.

(2) If any dispute arises touching the amount or apportionment of such compensation, the dispute shall be dealt with in the manner provided by section 121.

(3) Before any such temporary use as aforesaid is made of the land adjoining or lying near to the said works, at least 3 days' notice in writing of such intended temporary use shall be given to the owners and the occupiers of such land.

[114]

112.—(1) No matter or thing done and no contract of any kind entered into by the Minister, the Commissioner, the Director-General or any Medical Officer of Health or Public Health Engineer and no matter or thing done by any public health auxiliary or any other person whomsoever employed in the administration of this Act or acting under the direction of the Minister, the Commissioner, the Director-General or any Medical Officer of Health, Public Health Engineer or public health auxiliary shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing the provisions of this Act or any regulations made thereunder, subject them or any of them personally to any action, liability, claim or demand whatsoever.

Protection
from
personal
liability.
7/74.

(2) Any expense incurred by any of the aforesaid persons acting in accordance with subsection (1) shall be borne by the Government. [115]

113. Any person who at any time hinders, obstructs or molests the Commissioner, the Director-General, any Medical Officer of Health, Public Health Engineer, public health auxiliary or any other person in the performance and execution of his duty or of anything which he is respectively empowered, employed or required to do by virtue or in consequence of or under this Act, or removes any mark, line, sign or other direction drawn or set up for the purpose of this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both. [116]

Penalty for
obstruction.

114.—(1) Whenever any owner or occupier is required under this Act to erect or remove any building or thing or to perform any other work to which the provisions of this Act with respect to nuisances to be dealt with summarily thereunder do not apply, and the owner or occupier after due notice fails to erect or remove that building or thing or to perform such work within the prescribed time, the Commissioner may make a complaint and the Magistrate's Court hearing the complaint may make on the owner or occupier a summary order (referred to in this Act as a mandatory order) requiring the owner or occupier to execute the required work.

Mandatory
order.

(2) A mandatory order shall require the person to whom it is directed to execute any work which the Court is

authorised to require to be executed within a time to be specified in such order and may also require that person to pay to the Commissioner a sum for costs and expenses incurred in obtaining such mandatory order.

(3) Any person to whom the mandatory order is addressed who fails to comply with the requirements of a mandatory order shall, unless he satisfies the Court that he has used all due diligence to carry out that order, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 a day during his default, and the Court may direct the Commissioner to enter the premises and execute the work so required to be executed and the expenses thereby incurred by the Commissioner shall be paid by the person in default and, if that person is the owner, section 124 shall apply to those expenses, and in any other case section 121 shall apply thereto. [117

Provision as
to appeal
against
order.

115.—(1) Where a person appeals to the High Court against a nuisance order or a mandatory order, no liability to a fine shall arise nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or abandonment of the appeal.

(2) There shall be no appeal to the High Court against a nuisance order, unless it is or includes a prohibition or closing order or requires the execution of structural works.

(3) Where a nuisance order or mandatory order is made and a person does not comply with it and appeals against it to the High Court and such appeal is dismissed or is abandoned, the appellant shall be liable on conviction to a fine not exceeding \$100 a day during the non-compliance with the order, unless he satisfies the Court before which proceedings are taken for imposing a fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay and, where the appeal is heard by the High Court, that Court may, on dismissing the appeal, impose the fine as if the Court were the Court before which the summons was returnable.

(4) Where a nuisance order or mandatory order is made on any person and appealed against and the Court which made the order is of the opinion that the continuance of the nuisance or the non-execution of the mandatory order will

be injurious or dangerous to health and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, such Court may authorise the Commissioner immediately to abate the nuisance or execute the work.

(5) The Commissioner, if he does so and the appeal is successful, shall pay the cost of such abatement and the damages, if any, sustained by the said person by reason of such abatement, but if the appeal is dismissed or abandoned, the Commissioner may recover the cost of the abatement from that person, and if that person is the owner of the premises in respect of which the order is made, section 124 shall apply to any sum recoverable from him hereunder and in any other case section 121 shall apply thereto. [118]

116.—(1) Where the name or address of the owner of any premises upon which a nuisance exists or with regard to which a Magistrate's Court is empowered to make a mandatory order is unknown and cannot with reasonable diligence be discovered, such Court may issue a summons addressed to the owner of the premises.

Proceedings where owner is unknown.

(2) Such summons may be served in the manner specified in section 119.

(3) If the owner does not appear upon the hearing of the summons, such Court may make such an order upon him in his absence as it might have made in his presence except that it shall not inflict any fine upon him. [119]

117.—(1) If in any case in which a Magistrate's Court has jurisdiction to make a nuisance order or a mandatory order, the Court is of the opinion that the matter complained of will be injurious or dangerous to health or safety and the immediate abatement or work sought to be done will not cause any injury which cannot be compensated for by damages, the Court may, by an *ex parte* order, authorise the Commissioner immediately to abate the nuisance or do the work sought to be done.

In case of urgency, order may be made *ex parte*.

(2) If the Commissioner so abates the nuisance and the application for a nuisance order or mandatory order is subsequently refused, the Commissioner shall pay the cost of such abatement or work and the damages, if any,

sustained by any person thereby, but if the nuisance order or mandatory order is subsequently granted the Commissioner may recover the cost of the abatement or work as if it had been executed by him in pursuance of the power contained in section 55 or 115, as the case may be. [120

Damage to property of Government to be made good in addition to penalty.

118.—(1) If through any act, neglect or default on account whereof any person has incurred any penalty imposed under this Act any damage to the property of the Government is committed by such person, he shall be liable to make good such damage as well as to pay such penalty.

(2) The amount of such damage shall, in case of dispute, be determined by the Court by which the party incurring such penalty is convicted.

(3) The amount of such damage shall be recovered as if it were a fine imposed by the Court. [121

Service of notices.

119.—(1) Every notice, order or document required or authorised by this Act or any regulations made thereunder to be served on any person may be served —

- (a) by delivering the same to such person or by delivering the same at the last known place of abode of such person to some adult member or servant of his family;
- (b) by leaving the same at the usual or last known place of abode or business of such person in a cover addressed to such person; or
- (c) by forwarding the same by post in a pre-paid letter addressed to such person at his usual or last known place of abode or business.

(2) A notice, order or document required or authorised by this Act or any regulations made thereunder to be served on the owner or the occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of such premises without further name or description.

(3) A notice, order, summons or document required or authorised by this Act or any regulations made thereunder to be served on the owner or the occupier of any premises may be served by delivering the same or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom the same can with

reasonable diligence be delivered, by affixing the notice, order, summons or document to some conspicuous part of the premises. [122]

120.—(1) When any notice under this Act or any regulations made thereunder requires any act to be done or work to be executed by the owner or the occupier or the person in charge of any premises and default is made in complying with the requirement of such notice, the person in default shall, where no fine is specially provided for such default, be liable on conviction to a fine not exceeding \$500.

Default in compliance with notice.

(2) When any such notice requires any act to be done or work to be executed for which no time is fixed by this Act or any regulations made thereunder, it shall fix a reasonable time for complying with the requirement. [123]

121.—(1) Except as otherwise provided in this Act, in all cases where compensation, damages, fees, costs and expenses are by this Act directed to be paid the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute or failure to pay, be summarily ascertained and determined by a Magistrate's Court or, if the amount exceeds \$2,000, by a District Court.

Compensation, damages and costs to be determined by Magistrate's or District Court.

(2) If the amount of compensation, damages, costs or expenses is not paid by the party liable to pay the same within 7 days after demand, such amount may be reported to a Magistrate's Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court or District Court under this section, and the provisions of the Criminal Procedure Code shall, *mutatis mutandis*, apply to all such appeals. [124]

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122. Whenever default is made by an owner of any premises in the execution of any work required under this Act to be executed by him, an occupier of such premises may, with the approval of the Commissioner, cause such work to be executed and the expenses thereof shall be paid to him by the owner or the amount may be deducted out of the rent from time to time becoming due from him to such owner and such occupier may, in the absence of any special agreement to the contrary, retain possession until the expenses have been fully reimbursed to him. [125]

Occupier in default of owner may execute work.

Exemption
of agent
who has
no funds
in hand.

123.—(1) No person receiving the rent of premises as receiver or agent for another person shall be liable to do anything by this Act required to be done by the owner of such premises if, after he or the actual owner has been required to do any work, such person gives notice to the Commissioner within 7 days after such requisition has been made, that he has not sufficient funds of the person on whose behalf he is receiving the rents to pay for such work.

(2) In such case the Commissioner may himself execute the work and the expenses incurred thereby shall be charged and recoverable as provided in section 124. [126

Recovery of
costs and
expenses
payable
by owners.

124.—(1) All and any sums payable by or recoverable from the owner or owners in respect of costs and expenses incurred by the Government in or about the execution of any work which are, under this Act, recoverable from the owner or owners of any premises shall, subject and without prejudice to any other rights of the Government, be a first charge on the premises in respect of which such costs and expenses have been incurred.

(2) In addition to any other remedies conferred by this Act, any such sum may be recovered in the manner hereinafter provided, and the person or persons liable to pay the costs and expenses shall be the owner or owners at the time when the work was completed.

(3) Any occupier who, when requested by or on behalf of the Commissioner to state the name of the owner of the premises, refuses or wilfully omits to disclose or wilfully mis-states the name of the owner shall, unless he shows cause to the satisfaction of the Court for his refusal or mis-statement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

(4) If any such sum remains unpaid at the expiration of the prescribed time, a notice shall be served upon the person or any one of the persons, if more than one, liable to pay the costs and expenses, calling on him to pay the same together with a fee of such amount as may be prescribed for the cost of the notice, within 15 days of the service of such notice.

(5) If no person liable to pay the costs and expenses can be found, such notice shall be deemed to have been duly served by the posting thereof at the office of the

Commissioner and by fixing a copy thereof on some conspicuous part of the premises in respect of which such costs and expenses have been incurred.

(6) At the expiration of the said period of 15 days or such further period as may be allowed by the Commissioner, if any such sum or any part thereof remains due and unpaid, it shall be deemed to be arrears and sections 67 to 74 of the Local Government Integration Act shall, *mutatis mutandis*, apply to its recovery by the Commissioner. Cap. 166.

(7) The charge hereinbefore mentioned shall attach, and the powers and remedies hereinbefore conferred shall become exercisable as from the date of completion of the work, and thereafter such powers and remedies may be exercised against the premises or against any movable property or crops for the time being found thereon, notwithstanding any change or changes in the ownership or occupation of the premises subsequent to that date. [127

125.—(1) When the Commissioner has incurred costs and expenses in or about the execution of any work, which are, under this Act, payable by or recoverable from the owner or owners, the Commissioner may either recover such costs and expenses in the manner hereinbefore provided or, if he thinks fit, may obtain an undertaking or undertakings from such owner or owners for the payment of such instalments as will be sufficient to defray the whole amount of such costs and expenses. Recovery of costs and expenses by instalments.

(2) Upon default in payment of any instalment upon the date appointed for payment thereof by any such undertaking, the whole of the balance then outstanding of such amount shall immediately become due and payable and notwithstanding any change in the ownership or occupation of the premises since the date of the undertaking, may be recovered by the same means and in the like manner as provided in section 124. [128

126.—(1) Where a person sells or transfers any property in respect of which costs and expenses have been incurred by the Commissioner in or about the execution of any work required to be done under this Act and such costs and expenses are recoverable under this Act from the owner thereof, that person shall continue to be liable for the payment of all such costs and expenses payable in respect of that property and for the performance of all other Liability of transferor of property in respect of costs and expenses incurred by Commissioner.

obligations imposed by this Act upon the owner of the property which became payable or were required to be performed prior to such transfer.

(2) Nothing in this section shall affect the liability of the purchaser or transferee to pay such costs and expenses in respect of such property or the right of the Commissioner to recover such costs and expenses or to perform any obligations under this Act. [129]

Proceedings if an occupier opposes the execution of works.

127.—(1) If the occupier of any premises prevents the owner thereof from carrying into effect in respect of such premises any of the provisions of this Act after notice of his intention to do so has been given by the owner to such occupier, a Magistrate's Court, upon proof thereof and upon application by the owner, may make an order in writing, requiring the occupier to permit the owner to execute all such works with respect to the premises as are necessary for carrying into effect the provisions of this Act and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order.

(2) If after the expiration of 8 days from the date of the order, the occupier continues to refuse to permit the owner to execute the works, the occupier shall, for every day during which he so continues to refuse, be liable on conviction to a fine not exceeding \$500, and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing the works. [130]

Disposal of matters and things removed by Commissioner.

128.—(1) Any matter or thing removed by the Commissioner in executing any work which he is entitled to execute under this Act shall, except as otherwise provided, be the property of the Government and may be sold by public auction or, if the Commissioner thinks the circumstances of the case require, may be sold otherwise or be disposed of without sale.

(2) The moneys arising from the sale may be retained by the Commissioner and applied in or towards the expenses incurred and the surplus, if any, shall be paid on demand to the owner of such matter or thing.

(3) If such surplus is not claimed within two years, it shall be paid into the Consolidated Fund.

(4) If any matters or things belonging to several persons are removed by the Commissioner in executing any such work, he shall cause such matters or things, if sold, to be sold separately. [131

129.—(1) The grant or renewal of any licence shall be in the discretion of the Commissioner and may be granted, renewed or refused without any reason for such grant, renewal or refusal being assigned therefor and may be granted or renewed subject to such restrictions and conditions as the Commissioner may think fit and shall be subject to suspension, cancellation or revocation at any time without compensation (except as provided in section 88) and without notice by the Commissioner upon breach of any restriction or condition subject to which it was issued or to any contravention of such of the provisions of this Act or any regulations made thereunder as affect the licence. Licences.

(2) The Commissioner may require any applicant for a licence to furnish such information and evidence as he may reasonably require for a full and proper consideration of the application and in the event of a refusal to furnish such information shall refuse to grant or renew the licence.

(3) Save as otherwise provided, any licence may be for such period not exceeding 12 months as the Commissioner thinks fit.

(4) There shall be charged for the grant or renewal of any licence such fee, if any, as may be prescribed by the Minister.

(5) Where a licence is issued for a period of less than 12 months, the Commissioner may charge a proportionate fee therefor:

Provided that in charging such proportionate fee any part of a month shall be reckoned as one month.

(6) No licensee shall be entitled to any refund of any fee paid by him in respect of any licence.

(7) Any person who, in any manner, transfers any licence or permits any licence to be used by any other person without the approval in writing of the Commissioner shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000; and, in addition, the Commissioner may cancel or suspend for such period as the

Commissioner thinks fit the licence of any person convicted of an offence under this subsection.

(8) Save as otherwise provided, any person aggrieved by the refusal by the Commissioner to grant or renew a licence or by the suspension or revocation by the Commissioner of any licence may within one month of such refusal, suspension or revocation appeal to the Minister whose decision shall be final.

(9) In this section, "licence" includes any approval, consent, permit, permission, authority, authorisation or licence which may be granted or renewed by the Commissioner in pursuance of this Act or any regulations made thereunder. [132]

Receipts and notices may be given by officer authorised thereunto.

130.—(1) All notices, orders, receipts, warrants and other documents of whatsoever nature which the Commissioner is empowered to give by this Act or any regulations made thereunder may be given by any officer or employee authorised thereunto by the Commissioner.

(2) Where any such notice, order, warrant or document requires authentication, the signature or a facsimile thereof of the Commissioner or any officer or employee authorised thereunto by the Commissioner affixed thereto shall be sufficient authentication. [133]

Prosecutions.

131.—(1) No proceedings for an offence punishable under Part VIII, XI or XIII shall be instituted except by or with the sanction of the Public Prosecutor or the Commissioner.

(2) Any police officer or public officer authorised in writing in that behalf by the Commissioner may conduct any prosecution in respect of any such offence. [134]

Police officer or public officer may demand names and addresses in certain cases.

132.—(1) Any person who is charged by any police officer or by any public officer authorised in writing in that behalf by the Commissioner with any offence under this Act or any regulations made thereunder shall on demand give his name and address and other proof of identity to such police officer or public officer, if so required.

(2) The occupier of any premises shall, if required by any police officer or public officer authorised in writing in that behalf by the Commissioner, give his name and other proof

of identity and the name and address of the owner of the premises, if known.

(3) Any person who offends under this section or wilfully mis-states his name and address or the name and address of the owner of any premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$300.

[135

133.—(1) Any police officer or any public officer authorised in writing in that behalf by the Commissioner generally or in any particular case may arrest any person committing in his view or who he has reason to believe has committed any offence punishable under this Act or any regulations made thereunder —

Powers
of arrest.

- (a) if the name and address of the person are unknown to him;
- (b) if the person declines to give his name and address; or
- (c) if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Court unless the order of a Court for his detention is obtained.

[136

134. Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or any regulations made thereunder or from being liable under that other written law to any other or higher punishment or penalty than that provided by this Act or any regulations made thereunder:

Saving of
prosecutions
under other
laws.

Provided that no person shall be punished twice for the same offence.

[137

135. Except in any case where by reason of the act or omission complained of, an injury or danger to health subsists at the date of the complaint, no person shall be liable to any fine or penalty under this Act or any regulations made thereunder for any offence under this Act or any

Limitation
of liability
to fines and
penalties.

regulations made thereunder unless the complaint respecting such offence is made within 3 years next after the date of the commission of such offence. [138]

Contra-
vention of
provisions
of this Act.

136. Any person who contravenes or fails or neglects to comply with any of the provisions of this Act shall be guilty of an offence. [139]

General
penalties.

137. Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$500, and in the case of a second or subsequent conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both. [140]

Compound-
ing of
offences.

138.—(1) The Commissioner may, in his discretion, compound any such offence under this Act or any regulations made thereunder as may be prescribed as being an offence which may be compounded by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$500.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of such offence.

(3) The Minister may make rules to prescribe the offences which may be compounded and the method and procedure by which such offences may be compounded under this section. [141]

Commis-
sioner of
Police and
police
officers
to assist.
7/74.

139. The Commissioner of Police and every police officer shall render every assistance to the Commissioner, any Medical Officer of Health, any Public Health Engineer and any public health auxiliary for the purposes of carrying out the provisions of this Act. [142]

Authorised
public
officers, etc.,
to exercise
certain
powers under
this Act.

140. Any public officer authorised by the Commissioner in writing in that behalf and any officer of any statutory board or body who is, with the approval of the Minister, so authorised may exercise such powers under this Act or any regulations made thereunder as the Commissioner may empower him to exercise, subject to such limitations as the Commissioner may specify. [143]

141. No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act or any regulations made thereunder shall in any way affect the operation of this Act or any such regulations as respects that person or place if that person or place is so designated in the document as to be identifiable, and no proceedings taken under or by virtue of this Act or any such regulations shall be invalid for want of form. [144]

Inaccuracies
in
documents.

142.—(1) The contents of any document prepared, issued or served under, by virtue of or for the purposes of this Act shall, until the contrary be proved, be presumed to be correct and the production of any book purporting to contain any apportionment made under or by virtue of this Act shall, without any other evidence whatever, be received as prima facie proof of the making and validity of the apportionment mentioned therein.

Evidence.

(2) All records, registers and other documents kept by the Commissioner or by any public officer for the purposes of this Act or any regulations made thereunder shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, subscribed by such officer with his name and his official title shall be admissible in evidence as proof of the contents of such documents or extracts thereof. [145]

143.—(1) The Minister may make regulations for carrying out the purposes of this Act, and in particular, without prejudice to the generality of the foregoing, for or in respect of all or any of the matters specified in the Fourth Schedule.

Regulations.
7/74.

(2) The Minister may, in making any regulations, prescribe the circumstances in which it shall be presumed that an offence under the provisions of any such regulations was committed.

(3) The Minister may, in making any regulations, provide that any contravention of, or failure or neglect to comply with, any regulations shall be an offence and may prescribe the fine with which such offence shall be punishable but so that no such fine shall exceed for any one offence the sum of

\$2,000, or in the case of a continuing offence, the sum of \$100 for every day or part of a day during which such offence continues after the date of conviction thereof.

(4) All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [146]

Forms.

144. The Commissioner may design and utilise such forms as he may think fit for any of the purposes of this Act and any regulations made thereunder, and may require any person to complete any of the forms for any such purpose. [147]

Schedules.

145. The Minister may, from time to time, by notification in the *Gazette*, add to, alter or amend any of the Schedules. [148]

Exemption.

146. The Commissioner may, in his discretion, either permanently or for such period or periods as he may think fit, exempt any person or premises or any class of persons or premises from any of the provisions of this Act. [149]

Transitional provisions.

1936 Ed.
Cap. 133.
24/57.
1955 Ed.
Cap. 212.
Cap. 166.

147.—(1) Any scheme, document, licence, permission or resolution relating to any matter dealt with under this Act which was made, granted or approved under the Municipal Ordinance, the Local Government Ordinance 1957, the Burials Ordinance and the Local Government Integration Act shall, except where otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been made, granted or approved, as the case may be, under this Act.

(2) Notwithstanding any other provisions of this Act and the repeal by this Act of any written law, any subsidiary legislation made under such repealed written law shall remain in force until it has been revoked or replaced by subsidiary legislation issued or made under this Act:

Provided that the Minister may, by regulations made under section 143, vary, amend, extend or revoke such subsidiary legislation so remaining in force or any part thereof as he thinks fit. [150]

FIRST SCHEDULE
FOOD ESTABLISHMENTS

Section
45 (1).

1. Canning, bottling or packing in air-tight containers of any food.
2. Milling, processing, packing and storage for wholesale trade of rice or any other grain or flour.
3. Sugar refining.
4. The preparation or manufacture for sale or the sale of —
 - (a) bread, biscuits, wafers and any other bakery products;
 - (b) butter, cheese, margarine, egg jam (serikaya), peanut butter and any other form of bread spread;
 - (c) cakes, western or eastern type;
 - (d) chicken essence, meat and vegetable extracts;
 - (e) chocolate, flour and sugar confectionery;
 - (f) coffee, coffee mixture, tea and cocoa and any other form of beverage;
 - (g) compound articles of food consisting principally of milk or egg powder;
 - (h) cooked food for sale outside the premises, including food catering;
 - (i) curry powder and spices;
 - (j) edible oils and fats, including ghee, lard, dripping and any vegetable oil;
 - (k) any edible product made from soya beans, groundnuts, pulses, cereals, coconuts or nuts involving a process other than simple drying;
 - (l) egg powder and preserved eggs;
 - (m) flavouring essences and sweetening agents (natural and artificial);
 - (n) gourmet powder, monosodium glutamate or any food flavouring agents, including table salt and food additives;
 - (o) ice-cream, frozen confection and ice and distribution centres of such products;
 - (p) jams, jellies and other gelling agents;
 - (q) milk and cream, reconstituted milk, milk powders and condensed milk, whether sweetened or not, and any other milk or dairy product;
 - (r) pastes made from flour, including wheat, rice or bean flour and vermicelli, mee, kwayteow, meehoon, noodles and similar products;
 - (s) pickles;
 - (t) sauces and vinegar;
 - (u) salted and preserved fruits and vegetables;
 - (v) sago, tapioca, potato and other edible tuberous roots and products made therefrom;

FIRST SCHEDULE — *continued*

- (w) syrups and cordials, fruit juices and powdered soft drinks;
 - (x) water, including aerated, carbonated, flavoured and medicinal water and still drinks and soya bean milk;
 - (y) yeasts and baking powder.
5. The preparation for sale or sale or storage of —
 - (a) meat and meat products, including reptile meat;
 - (b) poultry and poultry products including birds;
 - (c) fish and fish products, including prawn, crab and cuttle fish;
 - (d) fresh vegetables and fruits.
 6. The carrying on of the trade of —
 - (a) coffee shop;
 - (b) cold drink shop;
 - (c) soda fountain;
 - (d) milk bar;
 - (e) eating house;
 - (f) restaurant;
 - (g) milk vending;
 - (h) any other type of food shop.

Sections 86,
87 and 89 (1).

SECOND SCHEDULE

OFFENSIVE TRADES

1. Mills used for the grinding of cereals, spices, pulses or any other dried vegetable produce, whether for human or animal consumption.
2. Knacker's yards or place for skinning or disembowelling animals.
3. Boiling offal, blood or oil.
4. Soap making.
5. Making bricks, pottery or lime.
6. Dyeing, lye-making or tanning.
7. Sago or ampas washing, sago or sago-flour making.
8. Curing or storing fish or crustaceans or manufacturing or storing fish manure or any by-product of the foregoing.
9. Drying or sorting fish or crustaceans or drying, sorting or storing blachan.
10. Collecting or storing rags, bones or feathers or any manufacturing process using the foregoing.
11. Boiling or refining sugar or preserving or canning fruits.

SECOND SCHEDULE — *continued*

12. The business of a washerman, laundryman or drycleaner.
13. Extracting or preparing vegetable or animal fats or oils or preparing spices.
14. Coffee roasting factory.
15. Salvaging of cans and bottles from refuse and garbage.
16. Scrap iron dumps and junk shops.
17. Fertiliser factories.
18. Gum benjamin manufacture.
19. Detergent manufacture.
20. Paper factories.
21. Manufacture of scouring powder.
22. Any other manufactory or place of business from which either offensive or unwholesome smells arise or in which any process is carried on or by which there is given off or accumulated any dust, fumes or any other impurity of such a character or to such an extent as to be injurious or offensive.

THIRD SCHEDULE

Section
99 (1).

INFECTIOUS DISEASES

1. Anthrax.
2. Cholera.
3. Enteric fever (typhoid).
4. Plague.
5. Smallpox.
6. Yellow fever.

Section
143 (1).

FOURTH SCHEDULE

SUBJECT-MATTER OF REGULATIONS

1. Public cleansing, conservancy and the depositing, collection, removal and disposal of dust, dirt, ashes, rubbish, night-soil, dung, trade refuse, garden refuse, stable refuse, trade effluent and other filth; and matters relating to the receptacles used or provided in connection therewith.
2. The seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other food or drink exposed or intended for sale.
3. The control, regulation and supervision of —
 - (a) markets and of any thing therein and of places in the vicinity thereof;
 - (b) persons engaged or employed in markets; and
 - (c) places used for the reception of sick or dying persons.
4. The control, regulation and supervision of premises or anything therein used for the purpose of any offensive trade.
5. The prescribing of localities within which unhealthy or offensive trades or occupations may be carried on.
6. The prevention and abatement of nuisances.
7. The keeping down or destruction of rats, mice, insects and other vermin, and the proofing of premises against the same.
8. The use and management of stalls, tables or showboards set up for the sale of any goods in public streets or places of public resort.
9. The specifying of streets, places and areas or portions thereof in which persons shall not act as hawkers.
10. Articles or types or classes of articles which may be sold from or exposed for sale in or on any stall, vehicle or other receptacle in any public street or place or by any itinerant hawker and premises where any such article is prepared or stored and the manner in which any such article is prepared or transported.
11. The inspection, regulation, supervision, control, management, maintenance, operation and use of cemeteries and crematoria, the dimensions of graves and places of interment, the prescribing of conditions under which human remains may be disposed of, registers to be kept and generally all matters connected with the good order of cemeteries and crematoria, due regard being had to the religious usages of the several classes of the community.
12. The provision and maintenance of sanitary conveniences.
13. The prescribing of forms for licences and notices and for other purposes of this Act.
14. The prescribing of fees for licences and the prescribing of fees and charges for any of the purposes of this Act or any regulations made thereunder and the prescribing of any other matter which by this Act is required to be or may be prescribed.
15. The prescribing of courses, syllabuses and examinations and the regulation of the conduct of examinations for certificates and diplomas to be awarded, and other matters incidental thereto.