

CHAPTER 40:03

**PUBLIC HEALTH**

*Arrangement of Sections*

*Section*

1. Short title.
2. Interpretation.
3. Designation of health areas.
4. Powers and duties of Director.
5. Discharge of duties of Director.
6. Establishment of health services institutions.
7. Regulations.
8. Execution of works. ✓
9. Payment of costs.
10. Powers of entry. ✓
11. Closure of business. ✓
12. Unwholesome food. ✓
13. Removal and confinement of infected persons.
14. Restriction on civil proceedings.
15. Owner to give information.
16. Duties of police.
17. Health Officer to have police power. ✓
18. Exemption from liability.
19. Offences.
20. Repeal and savings.

CHAPTER 40:03

**PUBLIC HEALTH**

An Act to make provision for public and environmental health, 2 of 1990,  
and for other matters connected therewith.

[27TH JUNE, 1990.]

1. This Act may be cited as the Public Health Act.

Short title.

L.R.O. 1/1990

15/11/90

Interpretation.

2. In this Act, unless the context otherwise requires—

“Director” means the Director of Health Services;

“Health Officer” includes the Deputy Director of Health Services, Assistant Director of Preventive Services, a Public Health Officer, a Health Superintendent, an officer of the cleansing services or other person acting under the authority of the Director;

“health services institution” includes hospitals, health centres, clinics, dispensaries, key villages and village health posts;

“Minister” means the Minister responsible for the administration of the Act;

“owner” used with reference to any lands or premises in respect of which any work is required to be done or costs to be paid, means the person for the time being entitled to receive, or who, if such lands or premises were let to a tenant, would be entitled to receive, the rent from the occupier thereof, whether on his own account or as agent or trustee for any other person;

“premises” includes land whether open or closed, whether built on or not, whether public or private and whether or not maintained under any enactment, aircraft, ship, vessel, boat, hulk, barge, tent, van, shed or similar structure; and

“works” includes the structural alteration of a building, or the removal or abatement of a nuisance.

Designation of health areas.

3. The Minister may by Order published in the *Gazette*—

- (a) designate such health areas in The Gambia as he may determine;
- (b) establish health and sanitation districts within any such area; and
- (c) assign such duties as may be necessary to any Health Officer.

Powers and duties of Director.

4. (1) The Director shall be responsible for the promotion and preservation of health.

(2) Without prejudice to the generality of subsection (1) of this section, the duties of the Director shall include—

- (a) the prevention, treatment, limitation and suppression of disease and the conduct of investigations and enquiries into such disease;



- (b) the publication of reports, information and advice concerning public health;
- \* (c) the abatement of nuisances and the removal or correction of any condition that may be injurious to public health;
- \* (d) the control of food in the interest of the public health;
- \* (e) the seizure and destruction of food that does not comply with the provision of this Act or regulations made thereunder;
- (f) the protection of the public from fraud or deception in connection with food; and
- (g) the acceptance and administration of gifts of money or property donated for any purpose under this Act from individuals or organisations.

✓ 5. (1) Except as the Director may otherwise direct, a Health Officer may discharge any of the duties of the Director and exercise such powers as may be conferred on him by the Director.

Discharge of duties of Director.

(2) Subject to the provisions of subsection (1) of this section, a Health Officer may take such steps as may be necessary for the administration of the provisions of this Act and regulations made thereunder and for the purpose, may call upon any member of the Police Force to lend such assistance as may be necessary.

6. The Director may establish health services institutions in any area and the expenses of establishing and maintaining such institutions shall be defrayed out of monies voted for that purpose by Parliament.

Establishment of health services institutions.

7. The Minister may make regulations with respect to—

Regulations.

- (a) the maintenance of proper sanitary condition of premises;
- (b) the forms to be used for the purposes of this Act;
- ✓ (c) the prevention, treatment, limitation and suppression of disease;
- ✓ (d) the prevention of overcrowding in premises;
- ✓ (e) the institution of measures for ensuring the purity of water supply;
- ✓ (f) the prevention, abatement or removal of nuisances and insanitary conditions on premises;

- (g) the collection, removal and sanitary disposal of rubbish, night-soil and other offending matter;
- (h) the licensing of persons, places and institutions for the carrying on of any prescribed business or trade;
- (i) the method of carrying on any offensive business or trade;
- (j) the slaughtering of animals for use as food for human consumption;
- (k) the keeping of domestic animals;
- (l) the disposal of dead animals;
- (m) the control and destruction of mosquitoes, termites and other insects, rodents and other vermin;
- (n) the production and offering for sale of food for human consumption;
- (o) the standards of identity, composition and quality of food offered for sale;
- (p) the inspection and maintenance of hotels, boarding houses and other places of accommodation;
- (q) the inspection of place of business of barbers, hairdressers, beauticians and persons carrying on such similar business;
- (r) the inspection and sanitary conditions of beaches and swimming pools in the interest of the public health;
- (s) the medical and dental examination and treatment of school children, the removing of such children from, and the closing of, schools in the interest of public health;
- (t) the internment of the dead, the entry of dead bodies into The Gambia and the inspection of establishments, mosques, crematoria and other places used in connection with the preparation, transportation and disposal of dead bodies;
- (u) the notification and registration of births and deaths and the form and manner of such notification and registration;
- (v) the registration, proper management, control and inspection of private hospitals and nursing homes;
- (w) the control and use of public baths, washrooms and sanitary conveniences;
- (x) the proper management and administration of any health

services institution that may be established under section 4 of this Act and the fees to be paid for the services provided at such institutions; and

- (y) the prohibition, regulation and prescription of and the punishment for such matters as may be necessary or advisable in the interests of public health.

8. (1) Where it appears to the Director that in the public interest any works on premises are necessary, he may serve or cause to be served on the owner of such premises a notice in writing signed by the Director or any other person authorised by him requiring the owner of such premises to execute such works as may be necessary. Execution of works.

(2) A notice may be served on the owner of premises by—

- (a) serving the notice on him personally;
- (b) addressing the notice by registered post to his last known address;
- (c) affixing the notice in a conspicuous place on the premises; or
- (d) advertising the notice not less than twice in a local newspaper.

(3) A notice served under this section shall specify the works to be executed and the time after the expiry of which the Director may cause the works to be carried out in default of compliance with the notice.

(4) A person who is served with a notice or any other person who has an estate or interest in the premises to which the notice relates may, at any time before the expiration of the period specified in the notice, appeal to a Judge in Chambers against the notice.

(5) An appeal under subsection (4) of this section shall not prevent the Director or any Health Officer from entering any premises to which a notice relates, to carry out such works as may be necessary.

(6) No appeal shall lie from a decision of a Judge in Chambers.

(7) Where at the expiration of the period specified in a notice or as may be directed by a Judge, the works specified in the notice have not been executed, the Director may cause such works to be carried out.

(8) Where the Director causes works to be carried out on premises under subsection (9) of this section, he may make good the costs of such works and recover the cost of any damage in respect thereof with full cost of a suit, from the owner of such premises.



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(8) Where the Director causes works to be carried out on premises under subsection (9) of this section, he may make good the costs of such works and recover the cost of any damage in respect thereof with full cost of a suit, from the owner of such premises.

(9) In any proceedings under subsection (8) of this section, the validity of the notice to which the proceedings relate may not be questioned.

Payment of  
costs

9. (1) Subject to the provisions of section 7 of this Act, where premises are in a dangerous state or are injurious to the health of any person, animal or plant, the Director may take possession of such premises and execute any works thereon that are reasonably necessary.

(2) The owner of premises upon which works are executed by the Director may, within thirty days after receipt of the demand for payment of costs incurred in the execution of the works, appeal to a Judge in Chambers against such costs and the decision of the Judge thereon shall be final.

(3) Notwithstanding anything to the contrary, where a person fails to pay costs for works executed on his premises by the Director, the Judge may make an order that his premises be sold by public auction for the recovery of the sums due.

(4) Where premises are sold by virtue of an order made under subsection (3) of this section, the proceeds obtained therefrom shall be applied—

- (a) to pay the costs incurred by the Director in the execution of works on any premises; and
- (b) to pay any costs that are incidental to the sale.

(5) The balance of money, if any, after the payment of costs, shall be paid to the owner of the premises prior to the sale and where the owner cannot be found, the Court may make such order in respect thereto as it may think fit.

Powers of  
entry

10. (1) The Director or any Health Officer may at all reasonable times enter any premises, using such reasonable force as may be necessary for the purpose of—

- (a) ascertaining whether any of the provisions of this Act or regulations made thereunder have been contravened;
- (b) ascertaining whether or not circumstances exist which would require the Director to take any action or execute any works in respect of such premises;
- (c) carrying out any works on such premises;
- (d) performing any of the duties conferred on the Director under this Act; and

(9) In any proceedings under subsection (8) of this section, the validity of the notice to which the proceedings relate may not be questioned.

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- (b) ascertaining whether or not circumstances exist which would require the Director to take any action or execute any works in respect of such premises;
- (c) carrying out any works on such premises;
- (d) performing any of the duties conferred on the Director under this Act; and



(e) generally inspecting any premises.

(2) Where a Health Officer enters any premises, the owner of such premises may demand that the Health Officer produce his document of authorisation or identity card before exercising any powers under this Act in respect of such premises.

(3) A document purporting to be signed by the Director shall be deemed to be authentic, unless the contrary is proved.

⇒ (4) A person who obstructs the Director or any Health Officer in the performance of his duties or exercise of any powers under this Act, commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand dalasis, and in default of payment, to imprisonment for a term not exceeding six months.

11. (1) No person shall operate a business or trade without a valid health certificate issued by the Director.

Closure of business.

(2) Where—

(a) a person operates a business or trade without such valid health certificate as may be prescribed; or

(b) insanitary conditions exist in respect of any business or trade, which may be injurious to public health,

the director or any Health Officer may, close such business or trade.

(3) A person whose business or trade has been closed for want of a valid health certificate may, subject to the provisions of subsection (4) of this section, apply to the Director to be issued a certificate.

(4) Where the Director is satisfied that sanitary conditions have been restored in respect of a business or trade which has been closed, he shall make an order allowing the business or trade to be resumed, subject to such conditions as he may deem necessary.

12. (1) No person shall sell or distribute food which is unwholesome or unfit for human consumption, or is so infected or infested as to be likely to be unwholesome or unfit for human consumption.

Unwholesome food.

(2) Any person who imports food into The Gambia shall present such food for inspection by a Health Officer at the port of entry.

(3) A Health Officer shall take samples of all imported foods, for purposes of laboratory analyses before such food is allowed into The Gambia.

(4) Where a Health Officer suspects any food to be unwholesome

or unfit for human consumption, he shall take samples of such food for laboratory analyses.

(5) Where a Health Officer takes samples of food for laboratory analyses—

(a) the person selling, distributing or dealing in such food shall stop selling, distributing or dealing in such food pending the outcome of the laboratory analyses; and

(b) the laboratory analyses shall be performed within a reasonable period.

(6) Where any food is, after inspection by a Health Officer or laboratory analyses, found to be unwholesome or unfit for human consumption, a Health Officer shall condemn it and order it to be destroyed or disposed of as he may direct.

(7) Any person who contravenes the provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding five thousand dalasis or to imprisonment for a term not exceeding three years.

Removal and  
confinement  
of infected  
persons

13. A Health Officer may cause any person suffering or suspected to be suffering from an infectious disease to be confined to a hospital or such similar institution for purposes of medical treatment, until he can be discharged with safety to the public.

Restriction  
on civil  
proceedings

14. No civil proceeding of any kind whatsoever shall, without the written consent of the Attorney-General, be brought against any person for damages or compensation in respect of any action taken or to be taken under this Act, to prevent the spread of any infectious disease.

Owner to  
give  
information

15. (1) The owner of any premises shall, if required by a Health Officer or a police officer, give his name and address.

(2) An owner of premises who declines to give or mis-states his name and address commits an offence and shall be liable on conviction to a fine of two hundred dalasis, and in default of payment, to imprisonment for a term not exceeding three months.

Duties of  
Police

16. Every police officer shall give information to a Health Officer of any offence which he knows or has reason to believe has been committed against this Act.

✓ 17. A Health Officer shall be deemed to a police officer, and shall have all the powers and privileges of a police officer, for the purpose of the discharge of his duties under this Act.

Health Officer to have police power.

18. Nothing done by the Director or a Health Officer shall subject that person to any action, liability, claim or demand if it was done *bona fide* for the purpose of carrying out any of the provisions of this Act or regulations made thereunder.

Exemption from liability.

⇒ 19. (1) Any person who—

- (a) assaults, resists, obstructs, intimidates or in any way interferes with;
- (b) uses indecent, abusive or insulting language to;
- (c) by any gratuity, bribe, promise or other inducement to a Health Officer prevents or attempts to prevent the performance of his duty,

Offences.

any person acting under the authority of this Act, or regulations made thereunder commits an offence.

(2) Any person who commits an offence under this Act or any regulation made thereunder shall be liable on conviction, to a fine not exceeding two thousand dalasis or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

✓~~x~~ 20. (1) The Public Health Act, 1935 is hereby repealed.

Repeal and Savings.

(2) Notwithstanding the provisions of subsection (1) of this section, regulations made under the Public Health Act, shall, until repealed, continue to be in force as if they were made under this Act.