

## CHAPTER 15:09

### PUBLIC HEALTH ACT

*Acts 19/1924, 3/1930, 37/1938 (ss. 3 and 22), 10/1945, 4/1948, 1/1953, 18/1957 (Federal), 21/1963, 96/1964, 33/1968, 62/1969, 12/1973 (s. 270), 10/1974; 42/1976 (s.37), 37/1977 (s. 24), 5/1985, 8/1988 (s. 164), 11/1991 (s. 23); Ord. 6/1980, 12/1997 (s. 12), 6/2000 (s. 151, 23/2004 (s. 282); R.G.N.s 683/1963, 214/1964, 217/1970, 899/1978.*

#### ARRANGEMENT OF SECTIONS

##### PART I

###### PRELIMINARY

###### Section

1. Short title.
2. Interpretation.

##### PART II

###### ADMINISTRATION

3. Ministry responsible for public health.
4. Establishment of Advisory Board of Public Health.
- 4A. Establishment of District Health Management Committees
5. Appointment of Chief Health Officer and others.
6. Local authorities in rural areas.
7. Local authorities to appoint medical officers of health.
8. Duties of medical officers to local authorities.
9. Government medical officers to be medical officers of health in rural districts.
10. Local authority to appoint health inspectors.
11. Removal of medical officers and health inspectors.
12. Local authority failing to appoint medical officer of health or health inspector.
13. Combined appointments.
14. Duties of local authorities.
15. Health committees.
16. Defaulting local authorities.

##### PART III

###### NOTIFICATION OF INFECTIOUS DISEASES

17. Notifiable diseases.
  18. Notification of infectious disease.
  19. Notification by medical practitioners.
  20. Local authorities to transmit return of notifications.
  21. Regulations for the notification of infectious diseases.
- Prevention and Suppression of Infectious Diseases*
22. Inspection of infected premises and examination of persons suspected to be suffering from infectious disease.
  23. Provision of isolation hospitals, mortuaries, disinfecting stations and ambulances by local authorities.
  24. Removal to hospital of infected persons.
  25. Infected persons sent for treatment from other districts.
  26. Measures to be adopted by local authority in case of infectious disease.
  27. Power of local authority to order or carry out disinfection.
  28. Removal to cleansing stations of dirty and verminous persons.
  29. Removal orders.
  30. Exposure of infected persons or things.
  31. Conveyance of infected persons in public conveyances.
  32. Infected dwellings not to be evacuated or let without previous disinfection.
  33. Removal of bodies of persons who have died of infectious disease
  34. Removal and burial of bodies of persons who have died of infectious disease.
  35. Regulations regarding infectious diseases.

*Special Provisions Regarding Formidable Epidemic Diseases*

36. Formidable epidemic diseases.
37. Notification of suspected cases of formidable epidemic diseases.
38. Notification of sickness or mortality in animals.
39. Local authorities to report notification or formidable epidemic diseases by telegraph.
40. Powers of Minister where local authority fails adequately to deal with any formidable epidemic disease.
41. [Repealed].
42. Regulations regarding formidable epidemic diseases.
43. [repealed].
44. Appointment of epidemic committees.
45. Advances to local authorities.
46. Refunds to local authorities.

PART IV

VENEREAL DISEASES

47. Application of Part IV.
48. Duties of medical practitioners.
49. Duties of medical officers of health and Government medical officers to report, and powers of district commissioners.
50. [Repealed].
51. Detention in hospital of infected persons.
52. Medical examination of inhabitants in a area where venereal diseases believed to be prevalent.
53. Examination of females by women medical practitioners.
54. Rights of persons detained in hospital.
55. Proceedings to be in camera, and reports not to be published.
56. Publication of advertisements of cures.
57. Contributions and facilities for diagnosis and treatment of venereal disease.
58. Regulations.

PART V

INTERNATIONAL SANITARY REGULATIONS

59. Publication of International Sanitary Regulations and amendments thereto.
60. Power to carry out and apply International Sanitary Regulations.
61. Regulations.
62. Power to apply regulations to any infectious disease.
63. Jurisdiction.

PART VI

WATER AND FOOD SUPPLIES

64. Duty of local authority to furnish water supplies.
65. Water works not to be commenced until approved by State.
66. Local authority to maintain existing water supplies in good order.
67. Powers to inspect water supplies.
68. Regulations.
69. Sale of unwholesome, diseased or contaminated articles of food prohibited.
70. Regulations regarding sale of milk and articles of food.
71. Minister's powers to make orders.
72. [Repealed].

PART VII

INFANT NUTRITION

73. Interpretation in Part VII.
74. Regulations in respect of infant nutrition.

PART VIII

SLAUGHTER-HOUSES

75. Interpretation in Part VIII.
76. Local authority may license slaughter-houses.

77. Local authority may refuse licences and appeals against refusals.
78. Licence required for use of premises as slaughter-house.
79. Cancellation of licence.
80. Prohibition against sale of meat which has not been slaughtered in a slaughter-house.
81. Inspection of meat and fees for inspection.

## PART IX

### SANITATION AND HOUSING

82. Nuisances prohibited.
83. Local authorities to maintain cleanliness and prevent nuisances.
84. Local authorities to prevent or remedy danger to health arising from unsuitable dwellings.
85. What constitutes a nuisance.
86. Notice to remove nuisance.
87. Procedure where person fails to comply with notice.
- 87A Local Authorities failing to deal with nuisances
88. Penalties in relation to nuisances.
89. Court may order local authority to execute works in certain cases.
90. Examination of premises.
91. Persons making complaint of nuisance.
92. Demolition of unfit dwellings.
93. Prohibitions in respect of back-to-back dwellings and rooms without through ventilation.
94. Regulations.

## PART X

### GENERAL

95. Contributions to cost of laboratories and voluntary associations concerned with public health.
96. Powers and duties of Chief Health Officer and assistant health officers.
97. Reciprocal notification and consultation between Ministry and Veterinary Department.
98. Domicile of persons for purposes of this Act.
99. Contracts in respect of dwellings not to be affected.
100. Savings as to recovery of damages.
101. Protection of State and local authorities.
102. Protection of officers.
103. Powers of entry and inspection of premises and penalties for obstruction.
104. Penalties for fraudulent conduct in connection with certificates under this Act.
105. Penalties where not expressly provided.
106. Burden of proof as to knowledge of infection.
107. Defect in form not to invalidate.
108. Service of notices.
109. Powers of local authority outside its district.
110. Provisions of this Act in relation to other laws.
111. Scope and application of proclamations and regulations.
112. Application of Act to State.
113. [Repealed].

## **AN ACT to make provision for the public health.**

[Date of commencement: 1st January, 1925.]

## PART I

### PRELIMINARY

#### **1 Short title**

This Act may be cited as the Public Health Act [*Chapter 15:09*].

#### **2 Interpretation**

(1) In this Act—

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

“appropriate Minister”, in relation to a local authority or a body or authority referred to in paragraph (a) of subsection (2), means the Minister responsible for administering the Act by or under which that local authority, body or authority was established;

“approved veterinary surgeon” means a veterinary surgeon approved by the Director of Veterinary Services;

“assistant health officer” means a person appointed to be an assistant health officer in terms of section *five*;

“building” includes any structure whatsoever for whatever purpose used;

“burial” means burial in earth, interment or any other form of sepulture, or the cremation or any other mode of disposal of a dead body;

“carcass” includes any part of a carcass;

“Chief Health Officer” means the person referred to in subsection (1) of section *five*;

“child” means a person under sixteen years of age;

“cost” or “expenditure”, when used in connection with the removal, detention, accommodation, maintenance or treatment of persons, means cost calculated in accordance with the tariff of charges approved by the Minister and based as nearly as may be on average cost or, if there is no such tariff, means actual cost;

“district”, in relation to—

(a) a municipal council, town council or local board, means the municipal area, town area or local government area, as the case may be;

(b) a rural district council, means the council area or, where the Minister has in terms of subsection (2) declared a greater or lesser area to be a district in relation to such rural district council, such greater or lesser area;

(c) in relation to any other body or authority declared to be local authority in terms of subsection (2), means the area declared in terms of subsection (2) to be a district in relation to such body or authority;

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

“food” or “article of food”, other than dairy produce as defined by the Dairy Act [*Chapter 18:08*], means any animal product, fish, fruit, vegetables, condiments, confectionery, beverages and any other article or thing whatsoever, other than drugs or water, in any form, state or stage of preparation which is intended or ordinarily used for human consumption;

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

“health inspector” means a person registered as a health inspector under any law relating to the registration of health inspectors;

“hospital or place of isolation” means any special hospital or any premises or portion thereof set apart and used solely for the admission and accommodation of persons suffering from infectious disease;

“infected”, in relation to—

(a) an infectious disease, means suffering from, or in the incubation stage or contaminated with the infection of that disease;

(b) a sexually transmitted disease, means any form or stage of infection referred to in paragraph (a), whether the disease was transmitted through sexual intercourse or not;

[Definition substituted by section 13 of Act 12 of 2002]

“infectious disease” means any infectious or communicable disease specified in section *seventeen* or declared to be an infectious disease in terms of that subsection;

“International Sanitary Regulations” means the International Sanitary Regulations adopted by the Fourth World Health Assembly at Geneva on the 25th May, 1951, to which the State is a party and any amendment thereto to which the State becomes a party;

“isolated” means the segregation, and the separation from and interdiction of communication with others, of persons who are or are suspected of being infected;

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

“local authority” means—

(a) a municipal council or town council; or

(b) any—

(i) a local board; or

(ii) a rural district council; or

(iii) any other body or authority;

designated in terms of subsection (2) to be a local authority for the purposes of this Act;

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

- “medical officer of health” means any medical officer of health appointed by a local authority;
- “medical practitioner” means a person who is registered as such under any law relating to the registration of medical practitioners;
- “medical surveillance” means the keeping of a person under medical supervision. Persons under such surveillance may be required by the local authority or any other duly authorized officer to remain within a specified area or to attend for medical examination at specified places and times;
- “Minister” means the Minister of Health and Child Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act;
- “Ministry” means the Ministry for which the Minister is responsible;
- “notifiable”, in relation to any disease, means required to be notified to any person or authority in terms of this Act;
- “occupier”, in relation to any premises, means—
- (a) any person in actual occupation of those premises; or
  - (b) any person legally entitled to occupy those premises; or
  - (c) any person having the charge or management of those premises;
- and includes the agent of any such person when he is absent from Zimbabwe or his whereabouts are unknown. In the case of premises used as a school, the expression “occupier” includes the principal or person in charge of the school;
- “owner”, in relation to any premises, means—
- (a) the person in whose name the title to those premises is registered, and includes the holder of the stand licence; or
  - (b) if such a person or holder is dead, insolvent, mentally disordered or defective or a minor or under any legal disability, the person in whom the administration of that person’s or holder’s estate is vested, whether as executor, guardian or in any other capacity whatsoever; or
  - (c) if the premises are under lease, the registration whereof is in law necessary for the validity of such lease, the lessee.
- When an owner as herein defined is absent from Zimbabwe or his whereabouts are unknown, the expression “owner” includes an agent of such owner or any person receiving or entitled to receive rent in respect of the premises;
- “parent” means the father and mother of a child, whether legitimate or not;
- “premises” means any building or tent, together with the land on which the same is situated and the adjoining land used in connection therewith, and includes any vehicle, conveyance, ship or boat;
- “public building” means—
- (a) any church, chapel, meeting-house or premises used for divine worship;
  - (b) any theatre, opera-house, hall, exhibition buildings or premises open to members of the public, whether with or without payment;
  - (c) any hotel or boarding-house, or lodging-house in which five persons or more, exclusive of members of the family or the servants of the owner or occupier, may obtain meals or sleeping accommodation for payment;
  - (d) any hospital, school or institution, in which five persons or more are or are intended to be gathered at one time;
- “rateable property”, in relation to a local authority, means property which under any enactment is liable to be assessed by the local authority for any general rate leviable by it;
- “rural district”, in relation to a rural local authority, means any area outside an urban district which is under the jurisdiction of that rural local authority, and “rural area” has a corresponding meaning;
- “sanitary convenience” means any—
- (a) latrine, urinal, water-closet, aqua-privy, earth-closet, pit-closet, borehole-latrine or chemical-closet; or
  - (b) other device approved by a medical officer of health;
- which is being, has been or is intended to be used for the disposal of human waste;
- “Secretary” means the Secretary of the Ministry;
- “school” means any public or private establishment for primary or secondary or higher education, and includes a hostel or boarding-house kept for housing the pupils at any such establishment, and includes a Sunday school;
- “sexually transmitted disease” means any infectious or communicable disease that is normally transmitted through sexual intercourse.

[Definition inserted by section 13 of Act 12 of 2002]

“trade premises” means any premises used or intended to be used for carrying on any trade or business;

“urban district”, in relation to an urban local authority, means the area under the jurisdiction of that urban local authority, and “urban area” has a corresponding meaning;

(2) With the approval of the appropriate Minister, the Minister may by statutory instrument designate a rural district council or local board or any other body or authority to be a local authority for the purposes of this Act, and—

- (a) may, in the case of a rural district council, declare a greater or lesser area than the council area to be a district in relation to such rural district council;
- (b) shall, in relation to such other body or authority, specify the area which shall be a district in relation to such body or authority.

## PART II

### ADMINISTRATION

#### **3 Ministry responsible for public health**

- (1) The Ministry shall be under the control of the Minister.
- (2) The functions of the Ministry shall, subject to this Act, be—
  - (a) to prevent and guard against the introduction of disease from outside;
  - (b) to promote the public health, and the prevention, limitation or suppression of infectious and contagious diseases within Zimbabwe;
  - (c) to advise and assist local authorities in regard to matters affecting public health;
  - (d) to promote or carry out researches and investigations in connection with the prevention or treatment of human diseases;
  - (e) to prepare and publish reports and statistics or other information relative to the public health;
  - (f) generally to administer the provisions of this Act.

#### **4 Establishment of Advisory Board of Public Health**

(1) The Minister may, for the purposes of this Act, establish a body to be known as the Advisory Board of Public Health which shall consist of the following members, who shall be appointed by the Minister and who shall, subject to any regulations which may be made under subsection (8), hold office for three years and who shall be eligible for reappointment for like periods—

- (a) a chairman, who shall not be a medical practitioner and who shall preside at meetings of the Board;
- (b) a deputy chairman, who shall not be a medical practitioner and who shall preside at meetings of the Board in the absence of the chairman;
- (c) two members, who shall be medical practitioners, to represent the Zimbabwe Medical Association;
- (d) one member to represent local authorities;
- (e) one member to represent bodies who perform the functions of medical aid societies;
- (f) one member, who shall be a medical practitioner, to represent missionary bodies carrying on activities in the field of public health;
- (g) one member, who shall be a registered nurse or mid-wife, to represent the Zimbabwe Nurses Association;
- (h) one member, who shall be a dental practitioner, to represent the Dental Association of Zimbabwe;
- (i) one member, who shall be a registered pharmaceutical chemist, to represent the Pharmaceutical Society of Zimbabwe;
- (j) one member to represent the Zimbabwe Red Cross, the Saint John Ambulance Association, the Saint John Ambulance Brigade and other similar bodies;
- (k) one member to represent trade unions;
- (l) one member to represent the women’s voluntary associations carrying on activities in the field of public health;
- (m) such additional members, not exceeding four, as the Minister may appoint.

(2) The Secretary shall be *ex officio* a member of the Board.

(3) Before making an appointment in terms of subsection (1) the Minister may, in his discretion, call upon a body which, whether itself or in conjunction with other bodies, is entitled to be represented in terms of that subsection, to nominate such number of persons as the Minister may determine who, in its opinion, are suitable and available for appointment as members of the Board:

Provided that the Minister may—

- (a) appoint a person to be a member of the Board who has not been so nominated and may decline to appoint any person so nominated;
- (b) where he has called for nominations in terms of this subsection in respect of any appointment to the Board and no nominations have been made in respect of such appointment within such period as he may determine when calling for such nominations, appoint any person to be a member of the Board whether

or not, in his opinion, the person so appointed is able to represent the views of the body whose nominations were called for.

(4) On the death of, or the vacation of office by, a member of the Board the Minister may appoint a person to fill the vacancy in accordance with the provisions of subsection (1):

Provided that a person appointed in terms of this subsection may be appointed to hold office for such period, being less than three years, as the Minister may determine.

(5) The function of the Board shall be to advise the Minister on all matters relating to public health in Zimbabwe.

(6) The Board or any committee thereof shall have the power to conduct an inquiry into any matter relating to public health referred to the Board by the Minister and, for that purpose, the powers, rights and privileges of the Board or its committees shall be the same as those conferred upon commissioners by the Commissions of Inquiry Act [*Chapter 10:07*], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 19 of that Act shall apply, *mutatis mutandis*, in relation to the conducting of such an inquiry and to any person summoned to give evidence, or giving evidence, before the Board or any of its committees and, in addition, the members of the Board and its committees shall be deemed to be persons authorized by the Minister in terms of subsection (1) of section *one hundred and three*.

(7) It shall be the duty of the Board, either by itself or by a committee thereof, to make a full, faithful and impartial inquiry into any matter referred to it in terms of subsection (6) and the Board shall make recommendations to the Minister in accordance with the findings of the inquiry.

(8) The Minister may make such regulations as he may deem expedient to give force and effect to the provisions of this section and such regulations may provide for all or any of the following matters—

- (a) the procedure of the Board, the convening of its meetings and the quorum thereof;
- (b) the establishment of committees of the Board, their procedure and functions and the manner in which persons with special knowledge or skill may be co-opted to serve on such committees;
- (c) the allowances payable to members of the Board and of its committees;
- (d) the circumstances in which a member of the Board shall vacate his office.

(9) The Minister may appoint a person, who may be an officer in the Public Service, to be legal adviser to the Board.

(10) For the purposes of this section—

“Board” means the Advisory Board of Public Health established in terms of subsection (1).

#### **4A Establishment of District Health Management Committees**

(1) Every local authority shall, when required by the Minister, after consultation with the appropriate Minister, establish a District Health Management Committee to manage and co-ordinate the provision of health services within a rural district council area.

(2) The Minister may, after consultation with the local authority or authorities concerned, make such regulations as he may deem expedient to give force and effect to this section, and such regulations may provide for all or any of the following matters—

- (a) the membership of a District Health Management Committee, including the number of members to be appointed and the method of appointment of members by the local authority concerned;
- (b) the power of a District Health Management Committee to co-opt persons with special knowledge or skill to serve on the committee;
- (c) the method of financing the operations of a District Health Management Committee;
- (d) the powers of a District Health Management Committee.

[Section inserted by section 23 of Act 14 of 2002]

#### **5 Appointment of Chief Health Officer and others**

(1) The Secretary shall *ex officio* be the Chief Health Officer.

(2) There shall be such Government medical officers, assistant health officers, pathologists, medical inspectors, health inspectors and other officers as may be necessary for the purposes of this Act whose offices shall be public offices and form part of the Health Service.

[Subsection amended by section 31 of Act 28 of 2004]

(3) Notwithstanding anything to the contrary contained in any law relating to the Health Service, no person shall be appointed as—

(a) Secretary unless he—

- (i) is fully qualified for registration as a medical practitioner in terms of the Health Professions Act [*Chapter 27:19*]; and

[Paragraph amended by section 151 of Act 6 of 2000]

- (ii) possesses a degree, diploma or certificate in public health or state medicine which has been given after examination and is registrable in Zimbabwe and in the country where it was obtained;

- (b) a Government medical officer unless he is qualified in accordance with subparagraph (i) of paragraph (a);
- (c) an assistant health officer unless he is qualified in accordance with subparagraph (i) of paragraph (a) and possesses a qualification referred to in subparagraph (ii) of paragraph (a).

[Subsection amended by section 31 of Act 28 of 2004]

## **6 Local authorities in rural areas**

(1) Where no local authority exists for the whole or part of a district, the district administrator, acting under the instructions of the Chief Health Officer shall be regarded for the purposes of this Act as the local authority for that area and may, subject to subsection (2), exercise any powers which a local authority may exercise in terms of this Act.

(2) A district administrator acting in terms of subsection (1) may not—

- (a) make any permanent appointment; or
- (b) incur any capital expenditure;

without the express approval of the Minister.

## **7 Local authorities to appoint medical officers of health**

(1) Every local authority may, and when required by the Minister, after consultation with the appropriate Minister, shall, appoint a medical practitioner as medical officer of health to the local authority, whose appointment shall be subject to the approval of the Minister.

(2) In the making of such appointment, preference shall be given, except in special circumstances in particular cases, to medical practitioners holding degrees, diplomas or certificates in public health or state medicine granted after examination and registrable in Zimbabwe as well as in the country where they were obtained.

## **8 Duties of medical officers to local authorities**

Every medical officer of health to a local authority shall keep himself informed as to the public health and sanitary circumstances of his district, and shall make such inspections and inquiries as may be necessary for this purpose. In addition, he shall furnish the local authority with all information in respect of such inspections and inquiries, and shall also furnish to the Chief Health Officer special reports, when required, relating to the public health or sanitation of his district.

## **9 Government medical officers to be medical officers of health in rural districts**

In any area where no medical officer of health to a local authority has been appointed, a Government medical officer designated by the Secretary by statutory instrument shall be the medical officer of health for the area specified in such notice and shall carry out the duties imposed by section *eight* on a medical officer of health, furnishing the information referred to in that section to the Chief Health Officer.

## **10 Local authority to appoint health inspectors**

Every local authority may, and when required by the Minister, after consultation with the appropriate Minister, shall appoint one or more competent health inspectors to assist in carrying out the provisions of this Act within its district, who shall be subject to the supervision of the medical officer of health.

## **11 Removal of medical officers and health inspectors**

No medical officer or health inspector appointed by a local authority may, except with his own consent, or in conformity with any enactment relating to retirement on account of age or ill-health, or contract governing his appointment, be removed from office, or have his salary or his emoluments reduced, without the sanction of the Minister first being obtained:

Provided that it shall be competent for a local authority to suspend a medical officer of health or health inspector for incapacity, neglect or misconduct, pending the sanction of the Minister as to dismissal; and in the event of such sanction being granted, the said medical officer or health inspector shall be deemed to have been removed from office from the date of such suspension.

## **12 Local authority failing to appoint medical officer of health or health inspector**

(1) If any local authority fails to appoint a medical officer of health or health inspector within six months after being required to do so by the Minister, the Minister may appoint a medical officer of health or health inspector, as the case may be, to the local authority, and may fix the remuneration to be paid by the local authority to such officer or inspector; and may, in case of default of payment of such remuneration by the local authority, direct that the same be paid out of the Consolidated Revenue Fund, and that the amount be recovered by deduction from any subsidy or other moneys payable out of the said fund to such local authority.

(2) Where the Minister appoints, in terms of subsection (1), a Government employee to be a medical officer of health or health inspector, as the case may be, to a local authority, he may—

- (a) fix the remuneration to be paid to the State in respect of such appointment;
- (b) in the case of default of payment of such remuneration by the local authority, direct that the amount be recovered by reduction from any subsidy or other moneys payable out of the Consolidated Revenue Fund to such local authority.



### 13 Combined appointments

Nothing in this or any other Act contained shall be construed as precluding any person from holding at the same time an appointment as—

- (a) Government medical officer and medical officer of health to one or more local authorities; or
- (b) medical officer of health to two or more local authorities; or
- (c) health inspector for the State and one or more local authorities or for two or more local authorities.

### 14 Duties of local authorities

Every local authority shall take all lawful and necessary precautions for the prevention of the occurrence, or for dealing with the outbreak or prevalence, of any infectious or communicable or contagious diseases, and shall exercise the powers and perform the duties conferred or imposed on it by this Act or by any other enactment.

### 15 Health committees

(1) A local authority may establish a committee, to be known as a health committee, for the better administration of the duties imposed on the local authority by section *fourteen*.

(2) Notwithstanding subsection (1)—

- (a) the State and one or more local authorities; or
- (b) two or more local authorities; may combine to establish jointly a health committee referred to in subsection (1).

(3) The Minister may, after consultation with the local authority or authorities concerned, make such regulations as he may deem expedient to give force and effect to this section and such regulations may provide for all or any of the following matters—

- (a) the membership of a health committee, including the number of members to be appointed and the method of appointment of members by the local authority concerned or, in the case of a health committee referred to in subsection (2), by each local authority concerned and, if the State is a party to the establishment of the health committee, by the Minister;
- (b) the power of a health committee to co-opt persons with special knowledge or skill to serve on the committee;
- (c) the method of financing the activities of a health committee;
- (d) the powers of a health committee.

### 16 Defaulting local authorities

(1) Whenever upon the report of the Chief Health Officer it appears to the Minister that the public health of any locality is in danger by the failure or refusal on the part of any local authority to exercise the powers or perform the duties devolving upon it under any enactment, or to take the lawful and necessary steps to obtain powers to deal by by-laws or regulations with the danger, the Minister may, after causing an inquiry to be held, at which the local authority shall have an opportunity of being heard, call upon the local authority forthwith to exercise any such powers or to perform properly any such duties, and if the local authority fails to comply the Minister may exercise such powers or perform such duties, and may authorize any person to take all necessary steps for that purpose in the same manner as if he were the local authority.

(2) Any expenditure incurred by the State under subsection (1) may be recovered—

- (a) by action in a competent court against the local authority in default; or
- (b) by levying a special rate upon all rateable property within the district of the local authority in default; or
- (c) by deduction from any subsidy, grant or other moneys payable by the State to the local authority in default;

or by all three or any two such methods of recovery.

## PART III

### NOTIFICATION OF INFECTIOUS DISEASES

### 17 Notifiable diseases

For the purposes of this Act, the term “infectious disease” includes any of the following diseases—

- (a) chicken-pox;
- (b) diphtheria;
- (c) erysipelas;
- (d) pyaemia and septicaemia (puerperal);
- (e) scarlatina (or scarlet fever);
- (f) typhus fever;
- (g) plague;
- (h) Asiatic cholera;
- (i) typhoid or enteric fever (including para-typhoid fever);
- (j) undulant or Malta fever;

- (k) epidemic cerebro-spinal meningitis (or cerebro-spinal fever or spotted fever);
- (l) acute poliomyelitis (or infantile paralysis);
- (m) leprosy;
- (n) anthrax;
- (o) glanders;
- (p) rabies;
- (q) trypanosomiasis (or sleeping sickness);

and all forms of tuberculosis, and such other infectious or communicable diseases including sexually transmitted diseases as the Minister may declare, by statutory instrument, to be infectious diseases either throughout Zimbabwe or in any part of Zimbabwe.

[Section as amended by section 12 of Act 12 of 1997]

## **18 Notification of infectious disease**

(1) Whenever any child attending any school, orphanage or other like institution, or any person residing in any hotel, boarding-house or other like institution, is known to be suffering from any infectious disease, whether such infectious disease is specified in this Part or not, the principal or person in charge of such school, orphanage or other like institution, or the manager or proprietor or person in charge of such hotel, boarding-house or other like institution shall forthwith send notice thereof to the local authority of the district, and shall furnish to the medical officer of health, on his request, a list of scholars or residents thereat, together with their addresses.

(2) Any person who fails to give any notice required by subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(3) In any prosecution under this section the onus of showing that he was unaware that the patient was suffering from a notifiable infectious disease shall be on the person charged.

## **19 Notification by medical practitioners**

(1) If a patient suffering, to the knowledge of the medical practitioner attending him, from an infectious disease dies therefrom, such medical practitioner shall immediately furnish to the local authority of the district a written certificate containing the appropriate particulars mentioned in subsection (1).

(2) Any medical practitioner who fails to furnish a certificate of notification as required by this section shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment, and in any prosecution under this section the onus shall be on the medical practitioner charged to show that he was unaware that the patient was suffering from or the deceased had died of an infectious disease.

[Subsection as amended by section 4 of Act No. 22 of 2001]

## **20 Local authorities to transmit return of notifications**

Every local authority shall, at the end of each week and on the form prescribed, transmit to the Chief Health Officer particulars of all cases of infectious diseases and of all deaths from infectious diseases notified to it during the week, and all information which it may possess as to the outbreak or prevalence of any infectious, communicable or preventable disease in its district.

## **21 Regulations for the notification of infectious**

The Minister may, in respect of the notification of diseases, make regulations as to—

- (a) the duties of owners or occupiers of land, owners or managers of mines, employers of labour and all chiefs or headmen or others in regard to reporting the occurrence of such diseases, whether infectious or otherwise, as may be prescribed in the regulations;
- (b) the duties of medical practitioners and other persons in regard to the reporting or notification of such disease, whether infectious or otherwise, as may be prescribed in the regulations;
- (c) the circumstances in which notification of particular infectious diseases shall not be required;
- (d) the duties of a local authority in respect of the keeping of registers and records of such notifications;
- (e) the duties of registrars of deaths in respect of furnishing the local authority with notification of returns of deaths notified with such registrars;
- (f) the fees payable to medical practitioners in respect of such notifications, and the circumstances in which fees shall or shall not be payable; the forms to be used and the particulars to be furnished by medical practitioners when making such notifications;
- (g) the forms to be used and the particulars to be furnished by local authorities and other persons when transmitting returns and reports to the Chief Health Officer;

and, generally, for the better carrying out and attaining the objects and purposes of this Part. Any person who contravenes any of such regulations shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

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

The medical officer of health of any urban or rural area or any medical practitioner duly authorized thereto by the local authority may at any reasonable time enter and inspect any premises in which he has reason to believe that any person suffering or who has recently suffered from any infectious disease is or has recently been present, or any inmate of which has recently been exposed to the infection of any infectious disease, and may medically examine any person in such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

## **23 Provision of isolation hospitals, mortuaries disinfecting stations and ambulances by local authorities**

Any local authority may, and if required by the Minister after inquiry, at which the local authority shall have an opportunity of being heard, shall, provide and maintain either separately or jointly with another local authority or with a hospital authority or with the State—

- (a) suitable hospitals or places of isolation for the accommodation and treatment of persons suffering from infectious diseases;
- (b) mortuaries or places for the reception of dead bodies pending the carrying out of any post-mortem examination ordered by a lawful authority, or until removal for interment;
- (c) disinfecting and cleansing stations, plant and equipment for the cleansing of persons and the disinfection of bedding, clothing or other articles which have been exposed to, or are believed to be contaminated with, the infection of any infectious disease, or which are dirty or verminous;
- (d) vehicles for the conveyance of persons suffering from any infectious disease or for the removal of any infected bedding, clothing or other articles;
- (e) any other accommodation, equipment or articles required for dealing with any outbreak of infectious disease.

## **24 Removal to hospital of infected persons**

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

Provided that the cost of the removal of such patient and of his maintenance at the hospital may be recovered by the local authority from the said patient or his estate or, in the case of a minor, from his parent or guardian, if it can be shown that the said patient or his estate or, in the case of a minor, his parent or guardian is in a position to defray such cost.

## **25 Infected persons sent for treatment from other districts**

In the case of any patient suffering from any infectious disease being sent into the district of any local authority for isolation and treatment in any hospital or place of isolation maintained by such local authority from any other district, whether urban or rural, the first-mentioned local authority may recover from the local authority of the district sending the patient the cost of maintenance, nursing and treatment of the patient, and the cost of burial in the event of the death of the patient.

## **26 Measures to be adopted by local authority in case of infectious disease**

Where a person suffering from an infectious disease is within the district of a local authority, it shall be the duty of that authority to ensure that adequate measures are taken for preventing the spread of the disease, including, where necessary, provision for the accommodation, maintenance, nursing and medical treatment of the patient in a hospital or place of isolation until he has recovered or is no longer a danger to the public health or, in the event of the death of the patient, provision for the removal and burial of the body.

## **27 Power of local authority to order or carry out disinfection**

(1) When it appears from the certificate of the medical officer of health or a health officer or any medical practitioner that the cleansing or disinfection of any premises or any article is necessary for preventing the spread or eradicating the infection of any infectious disease, or otherwise for preventing danger to health, the local authority may give written notice to the owner or occupier of such premises or to the owner or person in charge of such article requiring him to cleanse or disinfect such premises or article in such manner and within such time as may be specified by and to the satisfaction of the local authority giving such notice.

(2) If the person to whom such notice is given fails to comply therewith, the local authority shall cause such premises or articles to be cleansed or disinfected, and the costs thereby entailed shall be deemed to be a debt due to the local authority by the person in default.

(3) Where the owner or occupier of any such premises, or the owner or person in charge of any such article, is from poverty or otherwise unable, in the opinion of the local authority, to carry out properly the cleansing or disinfection of such premises or article, the local authority may itself carry out any necessary cleansing or disinfection free of charge.

(4) Where any article dealt with by a local authority under this section is of such a nature that it cannot be disinfected, the local authority may, on the order of a district administrator, district officer or justice of the peace, cause such article to be destroyed and no compensation shall be payable in respect of any article so destroyed.

(5) When any article is damaged during disinfection by the local authority, no compensation shall be payable by the local authority if suitable methods of disinfection have been employed and due care and all reasonable precautions have been taken to prevent unnecessary or avoidable damage.

(6) Compensation shall not be payable in respect of the deprivation of the occupation or use of any premises or the use of any article occasioned by disinfection if no undue delay has occurred.

## **28 Removal to cleansing stations of dirty and verminous persons**

Where a cleansing station is provided within the district of a local authority or within a reasonable distance therefrom, any person within that district certified by a medical officer of health, school medical inspector or other medical practitioner, or by a certificated health inspector, to be dirty or verminous may, on order of the medical officer of health, be removed, together with his clothing and bedding, to such cleansing station and be cleansed therein.

## **29 Removal orders**

An order made under section *twenty-four* or *twenty-eight* may be addressed to any duly authorized officer of a local authority or any police officer. Any person who wilfully obstructs the execution of, or fails or refuses to comply with, any such order shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Section as amended by Act No. 22 of 2001]

## **30 Exposure of infected persons or things**

Any person who—

- (a) while knowingly suffering from any notifiable infectious disease, or such other infectious disease as the Minister may declare by statutory instrument to be a disease for the purposes of this section, wilfully or negligently exposes himself in such manner as to be likely or liable to spread such disease in any street, public place, public building, shop, inn, hotel, church or other place used, frequented or occupied in common by persons other than the members of the family or household to which such infected person belongs; or
- (b) being in charge of any person, and knowing that such person is so suffering, so exposes such sufferer; or
- (c) knowingly gives, lends, sells, pawns, transmits, removes or exposes, or sends to or permits to be washed or exposed in any public wash-house or washing-place, or in any laundry or other place at which articles are washed, cleansed or dyed, without previous effective disinfection to the satisfaction of the local authority and in accordance with any regulations in force in the district, any clothing, bedding, rags or other articles or things of any kind whatsoever which have been exposed to or are contaminated with the infection of any such disease; or
- (d) while knowingly suffering from any such disease, handles, conveys or otherwise comes in contact with any food, dairy produce, aerated water or other articles intended for consumption by man, or carries on any trade or occupation in such manner as to be likely or liable to spread such disease;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment:

[Subsection as amended by section 4 of Act No. 22 of 2001]

Provided that nothing in this section contained shall apply to any person transmitting with proper precautions and in accordance with the instructions of the local authority any bedding, clothing or other articles or things for the purpose of having the same disinfected.

## **31 Conveyance of infected persons in public conveyances**

(1) No person, knowing that he is suffering from any infectious disease which the Minister may declare by statutory instrument to be a disease for the purposes of this section, shall enter any public conveyance, and no person in charge of any person whom he knows to be so suffering, or of the body of any person who to his knowledge has died of any such disease, or in charge of anything which to his knowledge has been exposed to or is contaminated with the infection of any such disease, shall place in any such conveyance any such person, body, article or thing which to his knowledge has been so exposed or is so contaminated, except in the case of a hearse used for the removal of a dead body, without first informing the owner or driver or conductor of such conveyance of the fact of such infection and obtaining his consent. The owner, driver or conductor thereof shall, as soon as possible after such conveyance has been so used, and before permitting the use thereof by any other person, cause

it to be efficiently disinfected to the satisfaction of the local authority and in accordance with any regulations in force in the district.

For the purposes of this section, "public conveyance" includes any railway coach, tramcar, omnibus, cab, motor car or any vehicle whatsoever, or any boat or other vessel, or any aircraft if the conveyance plies for hire or is used by members of the public.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, and may in addition be ordered by the court to pay the owner or driver of the conveyance concerned the amount of any loss or expense necessarily entailed by the disinfection of such vehicle.

[Subsection as amended by section 4 of Act No. 22 of 2001]

### **32 Infected dwellings not to be evacuated or let without previous disinfection**

No person shall cease to occupy or shall let any dwelling or premises or part thereof in which to his knowledge there is or has recently been any person suffering from any infectious disease without having the same, and all articles therein which are liable to retain infection, efficiently disinfected to the satisfaction of the local authority and in accordance with any regulations in force in the district. This section shall apply to any owner or keeper of a hotel or boarding-house who lets any room or part thereof to any person.

### **33 Removal of bodies of persons who have died of infectious disease**

(1) In every case of death from an infectious disease it shall be the duty of the occupier of the premises in which the death has occurred immediately to make the best arrangements practicable, pending the removal of the body and the carrying out of thorough disinfection, for preventing the spread of such disease.

(1a) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

(2) It shall be an offence against this Act for the occupier of any premises to keep any dead body in any room in which any person lives, sleeps or works, or in which food is kept or prepared or eaten, or to keep the body of any person who is known to the occupier to have died of an infectious disease for more than twenty-four hours in any place other than a mortuary or other place set apart for the keeping of dead bodies, except with the sanction in writing of the local authority first obtained.

(3) Where any person dies of an infectious disease it shall be an offence against this Act to remove the body except for the purpose of immediate burial; and it shall be the duty of any person who removes the body to take it direct to the place of interment for burial.

(3a) Any person who is guilty of an offence in terms of subsection (2) or (3) shall be liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

(4) Nothing in this section shall be deemed to prevent the removal by due authority of any dead body from a hospital to a mortuary.

### **34 Removal and burial of bodies of persons who have died of infectious disease**

(1) When—

- (a) the body of a person who has died of an infectious disease is retained in a room in which any person lives, sleeps or works, or in which food is kept or prepared or eaten; or
- (b) the body of a person who has died of an infectious disease is retained without the sanction of the local authority for more than twenty-four hours elsewhere than in a mortuary or other place reserved for the keeping of dead bodies; or
- (c) any dead body is retained in any dwelling or place in circumstances which, in the opinion of the local authority, are likely to endanger health; or
- (d) any dead body found within the district is unclaimed or no competent person undertakes to bury it;

any district administrator, district officer, justice of the peace, medical officer of health or police officer of or above the rank of assistant inspector may, on a certificate signed by a medical practitioner, direct that the body be removed to a mortuary and be buried within a time to be specified in such order, or if the body is that of a person certified to have died of an infectious disease, may order that the body be buried immediately without removal to a mortuary. Unless the friends or relatives of the deceased undertake to, and do, bury the body within the time so specified, the cost of so doing shall be defrayed by the local authority and may be recovered by it by action in any court of competent jurisdiction from any person legally liable to pay the expenses of interment.

(2) Any person who obstructs the execution of any order or direction given under subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

### 35 Regulations regarding infectious diseases

(1) The Minister may make regulations applicable to all infectious diseases or only to such infectious diseases as may be specified therein regarding the following matters—

- (a) the imposition and enforcement of quarantine or of medical observation and surveillance in respect of persons suffering or suspected to be suffering from infectious diseases who are not removed to a hospital or place of isolation, the premises in which such persons are accommodated, those in charge of or in attendance on such persons, and other persons living in or visiting such premises or who may otherwise have been exposed to the infection of any such disease;
- (b) the duties, in respect of the prevention of infectious diseases and in respect of persons suffering or suspected to be suffering therefrom, of employers of labour, and of chiefs or headmen and others;
- (c) the measures to be taken for preventing the spread of or eradicating cholera, typhoid fever, plague, acute poliomyelitis, tuberculosis or any other infectious disease requiring to be dealt with in a special manner;
- (d) the conveyance by rail or otherwise of persons suffering from, or the bodies of persons who have died of, an infectious disease;
- (e) the prevention of the spread from any animal, or the carcass or product of any animal, to man of rabies, glanders, anthrax, plague, tuberculosis, trichinosis or any other disease communicable by any animal, or the carcass or product of any animal, to man;
- (f) the prevention of the spread and the eradication of malaria, the destruction of mosquitoes and the removal or improvement of conditions permitting or favouring the multiplication or prevalence of mosquitoes and the provision and proper upkeep of mosquito nets in the sleeping apartments of hotels, boarding-houses, lodging-houses and all public buildings where persons are accommodated for payment;
- (g) the prevention of the spread of disease by flies or other insects and the destruction of and the removal or improvement of conditions permitting or favouring the prevalence or multiplication of such insects;
- (h) the destruction of rodents and other vermin and the removal or improvement of conditions permitting or favouring the harbourage or multiplication thereof;
- (i) the prevention of the spread of anchylostomiasis, bilharziasis or other disease in man caused by any animal or vegetable parasite;
- (j) the prevention of the spread of any infectious, contagious or loathsome disease by the carrying on of any business, trade or occupation;
- (k) the prevention of the spread of any infectious disease by persons who, though not at the time suffering from such disease, are “carriers” of and liable to disseminate the infection thereof, and the keeping under medical surveillance and the restriction of the movements of such persons;
- (l) the prohibition of spitting in public places or in public conveyances, except into receptacles provided for the purpose;
- (m) the regulation and restriction of any trade or occupation entailing special danger to the health of those engaged therein, whether from infectious disease or otherwise, and the institution of measures for preventing or limiting such danger;
- (n) cleansing stations and the cleansing of dirty or verminous persons, the disinfection or fumigation of premises, clothing or other articles which have been exposed to or are believed to be contaminated with the infection of any infectious disease, or which are dirty or verminous, and prohibiting the carrying out of any fumigation which involves the use of poisonous gas except under licence;
- (o) rag flock manufacture and the trade in rags and in bones and in second-hand clothing, bedding or similar article, and requiring the disinfection of any such article before its importation, removal, sale or exposure for sale, or use in any manufacturing process;
- (p) the disposal of any refuse, waste matters or other matter or thing which has been contaminated with or exposed to the infection of any infectious disease;
- (q) the regulation or restriction and, where deemed necessary, the prohibition, of the keeping, transmission or use within, or the conveyance or transmission into or out of, Zimbabwe of cultures or preparations of pathogenic micro-organisms or other material capable of causing disease in man;
- (r) the giving compulsorily of any information or the production compulsorily of any documentary or other evidence required for the purpose of tracing the source or preventing the spread of any infectious disease;

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

(2) Any person who contravenes any provision of regulations made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

### **36 Formidable epidemic diseases**

This Act, unless otherwise expressed, in so far as it concerns formidable epidemic diseases, shall be deemed to apply to plague, Asiatic cholera, epidemic influenza and any other disease which the Minister may, by statutory instrument, declare to be a formidable epidemic disease for the purposes of this Act.

### **37 Notification of suspected cases of formidable epidemic diseases**

Medical practitioners, principals of schools, heads of families or householders, employers of labour, owners or occupiers of land or premises, chiefs, headmen and others shall report to the local authority or district administrator, as the case may be, the occurrence of any case of illness or death coming to their notice and suspected to be due to any formidable epidemic disease, or with a history or presenting symptoms or post-mortem appearances which might reasonably give grounds for such suspicion. Any person failing to make such report shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section as amended by Act No. 22 of 2001]

### **38 Notification of sickness or mortality in animals**

Every person who becomes aware of any unusual sickness or mortality among rats, mice, cats, dogs or other animals susceptible to plague or other formidable epidemic disease, not due to poison or other obvious cause, shall immediately report the fact to the local authority. Any person who fails to make such report shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section as amended by Act No. 22 of 2001]

### **39 Local authorities to report notification of formidable epidemic diseases by telegraph**

Every local authority shall immediately report to the Chief Health Officer, by telegraph or other expeditious means, particulars of every notification received by such authority of a case or suspected case of any formidable epidemic disease, or of any unusual sickness or mortality in animals, made under section *thirty-eight*.

### **40 Powers of Minister where local authority fails adequately to deal with any formidable epidemic disease**

Whenever upon the report of the Chief Health Officer it appears to the Minister that an outbreak of a formidable epidemic disease or a disease suspected of being such has occurred or is threatened within the district of a local authority and is not being investigated or dealt with efficiently and so adequately to safeguard public health, the Minister, notwithstanding any other provision of this Act, may inform the local authority of the measures which he considers should be taken in connection therewith, and if the local authority fails or is for any reason unable forthwith to carry out such measures to his satisfaction, may authorize the Chief Health Officer or any other local authority to take all necessary steps for dealing with the outbreak, and thereupon such officer or local authority shall, for the said purpose, possess all rights and powers of the local authority in default, subject to the obligations attaching to the exercise thereof, and any portion of the expenditure so incurred which is payable by the local authority may be recovered from the local authority in the manner described in subsection (2) of section *sixteen*.

### **41...**

[Section repealed by Act No. 22 of 2001]

### **42 Regulations regarding formidable epidemic diseases**

(1) In the case of the occurrence or threatened outbreak of any formidable epidemic disease, the Minister may make regulations as to all or any of the following matters, namely—

- (a) the imposition and enforcement of quarantine and the regulation and restriction of public traffic and of the movements of persons;
- (b) the closing of schools or the regulation and restriction of school attendance;
- (c) the closing of churches and Sunday schools and restriction of gatherings or meetings for the purpose of public worship;
- (d) the regulation or restriction or, where deemed necessary, the closing of any place or places of public entertainment, recreation or amusement, or where intoxicating liquor is sold by retail, and the regulation or restriction, or, where deemed necessary, the prohibition, of the convening, holding or attending of entertainments, assemblies, meetings or other public gatherings;
- (e) the prevention and remedying of overcrowding or the keeping of any dwelling or other building or the contents thereof in a dirty or insanitary or verminous condition;
- (f) the medical examination of persons who are suspected of being infected with, or who may have recently been exposed to the infection of, such disease, and of persons about to depart from any infected area, and the disinfection of their baggage and personal effects, and the detention of such persons until they have after such examination been certified to be free from any infectious disease and until their baggage and personal effects have been disinfected;

- (g) the keeping under medical observation or surveillance, or the removal, detention and isolation of persons who may have recently been exposed to the infection of, and who may be in the incubation stage of, such disease; the detention and isolation of such persons until released by due authority, the use of guards and force for that purpose, and, in case of absolute necessity, the use of firearms or other weapons, and the arrest without warrant of any person who has escaped from such detention or isolation;
- (h) the establishment of isolation hospitals and the removal and isolation of persons who are or are suspected to be suffering from any such disease, the accommodation, classification, care and control of such persons and their detention until discharged by due authority as recovered and free from infection, and the establishment, management and control of convalescent homes or similar institutions for the accommodation of persons who have recovered from any such disease;
- (i) inquiries into the cause of death of any person, apart from any inquiry by a magistrate under any other enactment; the ordering, when deemed necessary, of post-mortem examinations or of exhumations; the prohibition in special circumstances of the burial of any dead body except on a certificate by a medical officer appointed to grant such certificates or after compliance with any other specified conditions, the regulation of the mode of disposal, the times and places of burial of dead bodies and the manner of conducting removals and burials thereof;
- (j) the regulation and restriction and, if deemed necessary, the prohibition of the removal of merchandise or any article or thing into, out of or within any specified or defined area;
- (k) the provision of disinfecting plant and equipment, and the disinfection or, where disinfection is impossible, the destruction of any article or thing, or the disinfection of any premises which are or are believed to be contaminated with the infection of such disease;
- (l) the inspection of premises and articles and the discovery and remedying of sanitary or other defects likely to favour the spread or render difficult the eradication of such disease;
- (m) the evacuation, closing, alteration or, if deemed necessary, the demolition or destruction of any premises the occupation or use of which is considered likely to favour the spread or render more difficult the eradication of such disease, and the definition of the circumstances under which compensation may be paid in respect of any premises so demolished or destroyed and the manner of fixing such compensation;
- (n) in the case of plague, the destruction of rodents and the removal or improvement of conditions likely to favour the harbourage or multiplication of rodents, and the disposal of the carcasses of rodents or other animals believed or suspected to have died of plague;

and such other matters as the Minister may deem necessary for preventing the occurrence of such disease or limiting or preventing the spread thereof or for its eradication, and, generally, for the better carrying out and attaining the objects and purposes of this Part.

(2) Any person who contravenes any provision of regulations made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

(3) Regulations made under subsection (1) shall not apply to persons about to depart from Zimbabwe or entering Zimbabwe in the course of a journey to another state or territory.

**43...**

[Section repealed by Act No. 22 of 2001]

#### **44 Appointment of epidemic committees**

(1) Where it is deemed desirable for the purpose of co-ordinating effort or otherwise for more effectively dealing with or preventing an outbreak of any formidable epidemic disease, the Minister may, by statutory instrument, constitute a committee to be termed an "epidemic committee" for a defined area to discharge such functions and carry out such duties in connection with such outbreaks, and to administer so much of this Act as may be prescribed in such notice, and may, in like manner, make regulations regarding the appointment of officers of such committee, the conduct of its proceedings, the manner in which accounts shall be kept or any other matter relative to such committee.

(2) Where the area so defined includes wholly or partly the district or districts of one or more local authorities, the composition of an epidemic committee and the manner of allocating and defraying expenditure incurred by it shall be such as may be mutually agreed in advance between the Minister and local authority or authorities concerned or, failing such agreement, as the Minister may, subject to this Act, fix and determine.

(3) In the event of the occurrence or threatened outbreak of any formidable epidemic disease in any district for which the district administrator is the local authority, the Minister may constitute an advisory committee of three or more persons resident in the district to advise and assist the district commissioner in connection therewith.

#### **45 Advances of local authorities**

(1) The Minister may authorize the making of advances, on such terms and conditions as he may fix, to any local authority or epidemic committee for the purpose of dealing with any out-break of any infectious disease, and



in default of repayment any such advance may be recovered from such local authority in the manner described in subsection (2) of section *sixteen*.

(2) The Minister may also authorize the making of advances, on such terms and conditions as he may fix, to any local authority to enable it to pay any proportion of the capital expenditure incurred by it in providing suitable hospitals or places of isolation for persons suffering from any infectious disease, and may in like manner recover any advances so made.

#### **46 Refunds to local authorities**

The Minister may authorize—

- (a) the refund of one-half of the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in providing and equipping an isolation hospital or other isolation accommodation for persons suffering from any infectious disease, or detained under medical observation because of exposure to the infection of any formidable epidemic disease:

Provided that the scheme as a whole and the plans, specifications and estimates in connection therewith shall be approved by the Minister before the expenditure or any liability thereof is incurred;

- (b) the refund of one-half of the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly, in connection with the management and maintenance of an isolation hospital or other isolation accommodation and the maintenance and treatment therein or in any other hospital or place of isolation of persons suffering or suspected to be suffering from any infectious disease, or of persons detained therein under medical observation because of exposure to the infection of any formidable epidemic disease, such net costs being determined after deduction of any revenue;
- (c) the refund of two-thirds of the approved net cost actually and necessarily incurred by a local authority, or by two or more local authorities acting jointly or by an epidemic committee, in preventing, investigating, dealing with or suppressing any outbreak of any formidable epidemic disease or any outbreak suspected on reasonable grounds to be of any such disease, including, where necessary, the provision of temporary isolation hospital accommodation.

### **PART IV**

#### **VENEREAL DISEASES**

#### **47 Application of Part IV**

This Part shall apply to all sexually transmitted diseases except such diseases as the Minister may specify by statutory instrument.

[Section substituted by section 12 of Act 12 of 1997]

#### **48 Duties of medical practitioners**

(1) Every medical practitioner who attends or advises any patient in respect of any sexually transmitted disease from which the patient is suffering shall—

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

[Subsection amended by section 12 of Act 12 of 1997]

(2) Every medical practitioner who knows or has reason to believe that any person is infected with a sexually transmitted disease in a communicable form and is not under treatment by a medical practitioner, or is not attending for medical treatment regularly and as prescribed by such medical practitioner, shall report the matter in writing to the medical officer of health of the local authority or to the Government medical officer.

[Subsection amended by section 12 of Act 12 of 1997]

(3) A medical practitioner who contravenes subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

#### **49 Duties of medical officers of health and Government medical officers to report, and powers of district commissioners**

(1) It shall be the duty of every medical officer of health and every Government medical officer in his official capacity who knows or has reason to believe that any person is infected with any sexually transmitted disease in a communicable form and is not under treatment by a medical practitioner, or is not attending for medical treatment regularly and as prescribed by such medical practitioner, to give written notice to such person of the requirements

of this Act in regard to attendance for treatment of persons infected with sexually transmitted disease, and if thereafter such person does not comply with those requirements, to report the matter to the district administrator.

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

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

- (a) to furnish a certificate by a medical practitioner as to whether he is or is not infected with a sexually transmitted disease in a communicable form; or
- (b) to attend at a specified time and place for examination by a medical practitioner named in the order; or
- (c) to attend regularly for medical treatment at times and at a place specified in such order; or
- (d) to proceed or be removed to and to remain or be detained under treatment in a special hospital or place of accommodation provided or established under this Part, either for a specified time or until cured or free from the disease in a communicable form; or
- (e) to comply with such other requirements as the district administrator may deem necessary for the proper safe-guarding of the health of such person and of the public health.

(4) Any person who fails to comply with any order made under this section, or who escapes or attempts to escape from any hospital in which he has been ordered to remain or to be detained, shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Section amended by section 12 of Act 12 of 1997 and by section 4 of Act No. 22 of 2001]

## **50 .....**

[Section amended by section 12 of Act 12 of 1997]

## **51 Detention in hospital of infected persons**

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

(2) Any person so detained in a hospital or other place of accommodation who escapes or attempts to escape therefrom shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Section amended by section 12 of Act 12 of 1997 and by section 4 of Act No. 22 of 2001]

## **52 Medical examination of inhabitants in areas where sexually transmitted disease believed to be prevalent**

Where the Minister, on a report by the Chief Health Officer, has reason to believe that sexually transmitted disease is prevalent amongst the residents in any premises or locality, he may issue an order requiring the examination by a medical practitioner of any person or of persons of any specified class or description residing therein. Any person who refuses to comply with such order or with any lawful instructions given thereunder, or who obstructs any medical practitioner or other duly authorized officer in the carrying out of such order, shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Section amended by section 12 of Act 12 of 1997]

[Section as amended by section 4 of Act No. 22 of 2001]

## **53 Examination of females by women medical practitioners**

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

[Section amended by section 12 of Act 12 of 1997]

## **54 Rights of persons detained in hospital**

Any person detained in hospital under this Part shall be entitled to arrange, at his own expense, for his examination by any medical practitioner, and a report of such examination shall be furnished to the district administrator, who may thereupon cause to be made any further examination of such person which he may deem necessary. No person shall be detained in hospital under this Part who is not, or is no longer, infected with a sexually transmitted disease in a communicable form.

[Section amended by section 12 of Act 12 of 1997]

## 55 Proceedings to be *in camera*, and reports not to be published

Inquiries and proceedings before a district administrator or any court of law under this Part shall be secret and conducted *in camera*, and the records thereof shall be kept in the manner and form prescribed, anything to the contrary notwithstanding in any other law. Any person publishing or divulging the name of any person dealt with under this Part or the nature of the charge or evidence or the results of such inquiries or proceedings or the contents of any report, certificate, document or order in connection therewith or any other matter coming to his knowledge in connection with anything arising under this Part to any unauthorized person, and any person who, without lawful justification or excuse, falsely alleges that any person is infected or has been infected with a sexually transmitted venereal disease, shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section amended by section 12 of Act 12 of 1997 and by section 4 of Act No 22 of 2001]

## 56 Publication of advertisements of cures

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

(2) Any person who publishes any such advertisement or statement by printing it in any newspaper or exhibiting it to public view in any place or delivering or offering or exhibiting it to any person in any street or public place or in any public conveyance, or who sells, offers or shows it or sends it by post to any person, shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment. For the purposes of this section, “advertisement” or “statement” includes any paper, document or book containing any such advertisement or statement.

[Section amended by section 12 of Act 12 of 1997 and by section 4 of Act No. 22 of 2001]

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

[Section amended by section 12 of Act 12 of 1997]

## 57 Contributions and facilities for diagnosis and treatment of sexually transmitted disease

The Minister, subject to regulations which he is hereby authorized to make, and which may deal with the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of this section, may—

- (a) provide in Government or other laboratories for the carrying out of bacteriological or other laboratory examinations for the purpose of ascertaining whether any person is infected with or is cured of any sexually transmitted disease, or is free from any such disease in a communicable form. Such examinations shall be free of charge;
- (b) make provision for the free treatment and, where necessary, the accommodation and maintenance of persons infected with sexually transmitted disease. Such provision shall be made as far as practicable in connection with general or isolation hospitals or similar institutions by arrangement with the Minister or the hospital, local or other authority concerned;
- (c) supply, free of charge, such remedies as may be specified from time to time in the *Gazette* for use in the treatment of persons infected with sexually transmitted disease who are treated as free patients at any public institution;
- (d) refund to any local authority, or to two or more local authorities acting jointly, two-thirds of the net cost of any approved scheme for providing treatment, including maintenance and accommodation, where necessary, for persons who are infected with sexually transmitted disease;
- (e) establish and maintain special accommodation for the maintenance and treatment of persons infected with sexually transmitted disease who are liable to detention;
- (f) make grants-in-aid, subject to such conditions as the Minister may in each case fix and determine, to local authorities or other public bodies or voluntary societies or associations for the purpose of preventing the spread of or securing the proper treatment of persons infected with sexually transmitted disease.

[Section amended by section 12 of Act 12 of 1997]

## 58 Regulations

(1) The Minister may make regulations—

- (a) prescribing forms of certificates, notices, orders or returns and books of record to be used in connection with sexually transmitted disease, and defining the information to be furnished therein, and requiring the furnishing and prescribing the manner of use thereof by district administrators and district officers, Government medical officers, local authorities, medical officers of health and others;

- (b) conferring powers and imposing duties in connection with sexually transmitted disease on district administrators and district officers, Government medical or other officers, local authorities, medical officers of health, employers of labour and chiefs or headmen;
  - (c) adapting, within such area as may be defined, this Part and the procedure thereunder to the understanding and special circumstances of different classes of persons;
  - (d) providing for the effective enforcement of this Part as regards different classes of persons, and assigning, where deemed desirable, responsibility in connection therewith to local authorities or employers of labour;
  - (e) as to the management, maintenance and inspection of hospitals or other institutions for the purposes of this Part and the appointment and duties of persons employed therein or otherwise in connection with the carrying out or enforcement of this Part;
  - (f) as to the classification, treatment, control and discipline of persons treated or detained in such hospitals or institutions, and prescribing compulsory work for such persons where deemed desirable;
  - (g) prescribing the precautions to be taken by persons infected with or attending on or having the care or charge of persons infected with sexually transmitted disease;
- and, generally, for the better carrying out and the attaining of the objects and purposes of this Part.

(2) Any person who contravenes any regulations made under subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Section amended by section 12 of Act 12 of 1997 and by section 4 of Act No. 22 of 2001]

## PART V

### INTERNATIONAL SANITARY REGULATIONS

#### **59 Publication of International Sanitary Regulations and amendments thereto**

(1) The International Sanitary Regulations shall be published in statutory instrument as soon as may be after the 25th July, 1953, and any amendment thereto shall be published in a statutory instrument as soon as may be after Zimbabwe becomes a party to such amendment.

(2) Every amendment to the International Sanitary Regulations to which Zimbabwe becomes a party shall be laid before Parliament on one of the thirty days on which Parliament next sits after the publication of the amendment in a statutory instrument.

#### **60 Power to carry out and apply International Sanitary Regulations**

The President may—

- (a) by statutory instrument, designate any airport in Zimbabwe as a sanitary airport and may, by like notice, cancel any such designation of an airport;
- (b) do such other acts as he may deem necessary or expedient for giving effect to the terms of the International Sanitary Regulations or any regulations which have, in terms of section *sixty-two*, been applied to infectious diseases to which the International Sanitary Regulations do not apply.

#### **61 Regulations**

(1) The President may by regulation—

- (a) make such provision as appears to him necessary or expedient for the carrying out of and giving effect to the International Sanitary Regulations;
- (b) subject to the International Sanitary Regulations, impose fees and provide for the recovery of any expenditure incurred in giving effect to the International Sanitary Regulations.

(2) Any regulations made under subsection (1) may prescribe penalties for any contravention thereof, but no such penalty shall exceed a fine of level six or imprisonment for a period of one year or both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

#### **62 Power to apply regulations to any infectious disease**

(1) The President may, by proclamation, apply to any infectious disease to which the International Sanitary Regulations do not apply any regulations made under section *sixty-one*, subject to such exceptions, adaptations and modifications as he may deem necessary or expedient and as shall be specified in such proclamation.

(2) A proclamation under subsection (1) may be amended or revoked by subsequent proclamation.

#### **63 Jurisdiction**

An offence under any regulation shall, with regard to the jurisdiction of a court to try the offence, be deemed to have been committed in any place where the accused happens to be.

PART VI  
WATER AND FOOD SUPPLIES

**64 Duty of local authority to furnish water supplies**

(1) Every local authority, when required to do so by the Minister, shall provide and maintain, or cause to be provided and maintained as far as may be reasonably possible, a sufficient supply of wholesome water for drinking and domestic purposes, whether such supplies be derived from sources within or beyond its district, and for such purposes it may purchase or otherwise acquire any land, water works, springs, fountains, water rights and premises, or rights incidental thereto, within or outside its district, and may construct, equip and maintain any works necessary for collecting, pumping or storing water.

(2) Where such water supply has been provided, the local authority may by regulation compel the owner of every occupied premises within its district to the boundaries of which the local authority has brought such water to lay on such water to any such premises, and may fix a minimum charge for such water, whether used by the occupier or not; such charges shall be payable by the occupier, except in cases where the water is not laid on, when such charges shall be payable by the owner of the premises.

(3) In the event of the water supply of any district being undertaken by any person or company other than a local authority under any lawful contract or legal agreement whatsoever, this Part shall apply, *mutatis mutandis*, to such person or company in respect of such water supply as if such person or company were the local authority.

**65 Water works not to be commenced until approved by State**

(1) No water works may be commenced and no property purchased or acquired by a local authority until estimates and plans have been submitted and approved by the Minister.

(2) Notice shall be given of any proposed scheme for the purpose of construction of works for the supply of water by the local authority by publication in the *Gazette*, and such notice shall describe such proposed scheme and state the hour and place where the plans, estimates and other particulars relating to the same may be inspected.

(3) If any person, who is injuriously affected by such scheme, objects to the same and transmits his objections in writing to the Minister within one month after the date of the last publication of the notice aforesaid, the Minister may appoint a committee to inquire into the expediency of sanctioning the proposed scheme and to hear any such objections thereto and to report to him thereon, and on receiving such report the Minister may make an order disallowing the proposed scheme or allowing it with such modification, if any, as he may think fit.

**66 Local authority to maintain existing water supplies in good order**

All water works vested in any local authority shall be maintained by the local authority in a condition for the effective distribution of a supply of pure water for drinking and domestic purposes.

**67 Powers to inspect water supplies**

(1) The Chief Health Officer or any person duly authorized by him or any medical officer of any local authority may at all times enter any water works or gathering ground and inspect and examine any sources of water supply or any such water works, and take such sample of water as he may deem fit.

(2) Any person who obstructs such medical officer or any other person as aforesaid in such duty shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

**68 Regulations**

(1) The Minister may make, and impose on local authorities and administrators the duty of enforcing, regulations in respect of defined areas—

- (a) prohibiting bathing in, and prohibiting or regulating the washing of clothes or other articles or of animals in, or in any place draining into, any such water supply as is in section *sixty-seven* mentioned;
- (b) prohibiting or regulating the erection of dwellings, sanitary conveniences, stables, cattle kraals, pig sties, ostrich pens, dipping tanks, factories or other works likely to entail risk of harmful pollution of any such water supply, or prohibiting or regulating the deposit in the vicinity of, or in any place draining into, any such supply of any manure, filth or noxious or offensive matter or thing;

and, generally, for preventing the pollution so as to endanger health of any supply of water which the public within its district has a right to use and does use for drinking or domestic purposes and for purifying any such supply which has become so polluted, and for preventing the pollution of streams so as to be a nuisance or a danger to health.

(2) Regulations under subsection (1) shall be made with due regard to the interests of agricultural or any other industries.

(3) Any person who contravenes any provision of regulations made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

## **69 Sale of unwholesome, diseased or contaminated articles of food prohibited**

(1) No person shall sell, or shall prepare, keep, transmit or expose for sale, any milk, dairy produce, meat or other article of food which is not clean, wholesome, sound and free from any disease or infection or contamination; and no person shall collect, prepare, manufacture, keep, transmit or expose for sale any such article without taking adequate measures to guard against or prevent any infection or contamination thereof.

(2) If any person contravenes subsection (1), he shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

## **70 Regulations regarding sale of milk and articles of food**

(1) The Minister may make regulations regarding all or any of the following matters—

- (a) the inspection of animals intended for human consumption, and of slaughter-houses, and of factories, stores, shops and other places where any article of food is manufactured or prepared or kept;
- (b) the taking and examination of samples of meat or other articles of food, and the removal or detention, pending examination or inquiry, of animals or articles which are suspected of being diseased or unsound or unwholesome or unfit for human consumption, and the seizure and destruction or treatment or disposal so as not to endanger health of any such article which is found to be unwholesome or unsound or diseased or infected or contaminated, and of diseased animals sold or intended or offered or exposed for sale for human consumption; such regulations may empower a medical officer of health or a medical practitioner or, in the case of meat, an approved veterinary surgeon to detain, seize or destroy any diseased, unsound or unwholesome article of food, but shall not confer on any other person any power beyond that of detention of such article for the purpose of examination by a medical officer of health, a medical practitioner or, in the case of meat, an approved veterinary surgeon;
- (c) the inspection and examination of, and the regulation, inspection and supervision of the manufacture, preparation, storage, keeping and transmission of, any article of food intended for sale or for export from Zimbabwe, and the prohibition of the manufacture, preparation, storage, keeping, transmission, sale or export from Zimbabwe of any such article which is, or contains an ingredient which is, diseased or unsound or unfit for human consumption, or which has been exposed to any infection or contamination;
- (d) the establishment, locality, supervision, equipment, maintenance and management of slaughter-houses and the disposal of the waste products of slaughtering and the inspection of slaughter-houses and the animals therein and prohibiting, restricting or regulating the slaughter of diseased animals; prescribing the methods which may be used for the killing or slaughter of animals intended for human consumption, whether such killing or slaughter takes place at slaughter-houses or elsewhere; and prohibiting the killing or slaughter of such animals except by such methods as may be prescribed; and such regulations may provide an exemption from the provisions thereof for the slaughter of animals by the Jewish or Islamic method, subject to such conditions as may be prescribed;
- (e) prohibiting the importation into Zimbabwe of any article of food which is not clean, wholesome, sound and free from any disease or infection or contamination, and the seizure and disposal by destruction or otherwise of any such article so imported;
- (f) the preparation, manufacture or importation and the storage and sale of or trade in articles of food which are packed in air-tight receptacles or otherwise preserved, and the marking of any such article with the date of manufacture or preparation;
- (g) prohibiting the importation, sale, possession or use of vessels which are intended to contain milk or any liquid or semi-solid article of food and which are rusty or defectively soldered or are made of material containing in any part likely to come in contact with the contents lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or danger to health, and fixing the maximum proportions of such substances which may be used in such vessels;
- (h) the keeping of swine and the limitation and suppression of the disease known as cysticercus disease or pig measles or any similar disease in animals;

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

(2) Any person who contravenes any provision of regulations made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

## **71 Minister's powers to make orders**

(1) The Minister may make orders—

- (a) requiring the medical examination of any person in any premises in which any article of food intended for sale is collected, kept, sold or exposed for sale, or of any person who has been engaged in the collection, preparation, keeping, conveyance or distribution of any such article;
- (b) prohibiting the employment in connection with the collection, preparation, storage, distribution or sale of any article of food of any person who has proved to be a carrier of the infection of typhoid or enteric fever or other infectious disease.

(2) Any person contravenes or fails to comply with an order made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

**72...**

[Section repealed by Act No. 22 of 2001]

## PART VII

### INFANT NUTRITION

#### **73 Interpretation in Part VII**

In this Part—

“feeding article” means a bottle, teat, measuring device or other utensil or article designed to be used in preparing infant food or feeding infant food to infants;

“health worker” means a person who—

- (a) is employed in a hospital, nursing-home, clinic, surgery, creche, nursery or other institution wherein health care, treatment or attention is provided for pregnant women, mothers or infants; or
- (b) is a medical practitioner or is employed by a medical practitioner in connection with his practice as such; or
- (c) performs any work, whether as a professional or non-professional and whether paid or not, in connection with the health of pregnant women, mothers or infants;

“infant” means a child under the age of seven years;

“infant food” means any food, including dairy produce as defined in the Dairy Act [*Chapter 18:08*] which is—

- (a) sold for consumption by infants; or
- (b) represented by its manufacturer or seller as being suitable for consumption by infants;

“label” means any brand, mark or written or pictorial or other descriptive matter that appears on or is attached to or packed with, and refers to, any infant food or feeding article or the package thereof;

“market”, in relation to any product, includes to promote, distribute, advertise or sell such product or to provide public relations or informational services in connection with such product;

“package” means anything in or by which any infant food or feeding article is covered, enclosed, contained or packed;

“sell” includes—

- (a) for the purposes of sale, to offer, keep, possess, expose, display, transmit, consign, convey or deliver;
- (b) to authorize, direct or allow a sale;
- (c) to barter, exchange, supply or dispose of for any consideration, direct or indirect.

#### **74 Regulations in respect of infant nutrition**

(1) The Minister may make regulations in respect of all or any of the following matters—

- (a) encouraging and promoting the breast-feeding of infants;
- (b) standards of composition, quality or other properties of any infant food or feeding article, which standards may be prescribed by reference to any publication or document, whether published inside or outside Zimbabwe;
- (c) the sampling and testing of infant food and feeding articles;
- (d) regulating or restricting the marketing and sale of infant food and feeding articles, and in that connection—
  - (i) regulating the packages in which or from which any infant food or feeding article may be sold;
  - (ii) regulating the labels that may be attached to or marked on packages of any infant food or feeding article, and prescribing the matter to be or not to be contained on such labels;
  - (iii) regulating, restricting or prohibiting the marketing of any infant food or feeding article to the public generally or any section of the public;
  - (iv) restricting or prohibiting any method of marketing any infant food or feeding article;
  - (v) regulating, restricting or prohibiting the giving or distribution of donations or samples of infant food or feeding articles;

- (e) regulating, restricting or prohibiting the production, sale, distribution or display of informational or educational material relating to infant food, feeding articles or the feeding and nutrition of infants;
- (f) regulating or restricting the promotion by health workers of the use of any infant food or feeding article;
- (g) regulating, restricting or prohibiting—
  - (i) the offering or giving, directly or indirectly, by manufacturers or sellers of infant food or feeding articles, of salaries, wages, gifts or other benefits to health workers; and
  - (ii) the receipt by health workers of salaries, wages, gifts or benefits referred to in subparagraph (i);
- (h) the establishment of one or more committees to approve labels, packages, informational, educational or promotional material and any other matter or thing that may be regulated or restricted in terms of this Part, and the prohibition of the marketing, sale or use of any such label, package, informational, educational or promotional material, matter or thing that has not been so approved;
- (i) powers of entry, search, seizure, inspection and investigation for the purposes of preventing, detecting or investigating offences in terms of the regulations;
- (j) the furnishing of returns, particulars and other information by persons who manufacture, market or sell infant food or feeding articles;
- (k) generally, any matter which, in the opinion of the Minister, will encourage and promote the proper feeding and nutrition of infants.

(2) Regulations made in terms of subsection (1) may provide penalties for contraventions thereof:

Provided that no such penalty shall exceed a fine of level seven or imprisonment for a period of one year or both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

## PART VIII

### SLAUGHTER-HOUSES

#### **75 Interpretation in Part VIII**

In this Part—

“slaughter-house” includes any abattoir, knacker’s yard, slaughtering poles or place set apart for slaughtering animals, the meat of which is intended for sale.

#### **76 Local authority may license slaughter-houses**

(1) Subject to any regulations, a local authority may license such slaughter-houses as it from time to time thinks proper within its district.

(2) Every licence issued in terms of this section shall expire on the 31st December of the year for which it is issued.

(3) Nothing in this section contained shall affect the right of a municipal council or town council to establish, erect and maintain its own slaughter-house.

#### **77 Local authority may refuse licences and appeals against refusals**

(1) A local authority may refuse to grant or renew a licence for a slaughter-house.

(2) Any person who is aggrieved by the refusal of a local authority to grant or renew a licence for a slaughter-house may, within thirty days of such refusal, appeal in writing to the Minister.

(3) Upon such appeal the Minister may require the local authority to furnish him with the reasons for its action.

(4) When any such appeal is noted against the refusal of the local authority to renew a licence, the Minister may, in his discretion, authorize the continued use of the slaughter-house pending his decision on such appeal.

(5) The Minister may, after due inquiry, make such order in the matter as he may deem fit and the local authority shall comply with any such order.

#### **78 Licence required for use of premises as slaughter-house**

(1) No person shall use any premises as a slaughter-house within the district of a local authority unless he is personally licensed in respect of those premises.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

#### **79 Cancellation of licence**

If the holder of a licence for a slaughter-house is convicted of contravening this Act, the local authority which issued the licence may forthwith cancel the licence held by such person.

#### **80 Prohibition against sale of meat which has not been slaughtered in a slaughter-house**

(1) At the request of a local authority which is a municipal council or town council the Minister shall, by statutory instrument, prohibit within the district of such local authority the sale of fresh meat obtained from ani-



mals, other than wild game, unless such animals have been slaughtered in a slaughter-house licensed or approved by such local authority.

(2) Any person who acts in contravention of a prohibition issued in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

## **81 Inspection of meat and fees for inspection**

(1) Subject to subsection (4), a municipal council or town council may inspect any meat slaughtered at a slaughter-house licensed by it or any meat intended for sale within its district and may charge fees at a rate approved by the Minister for such inspection:

Provided that if inspection fees have been charged in respect of any inspection of meat by another local authority or inspector appointed in terms of regulations or by such competent authority outside the borders of Zimbabwe as may be prescribed by regulation, no further inspection fees shall be charged.

(2) Subject to subsection (3), the Minister may in regulations—

(a) provide for the compulsory inspection of—

- (i) animals which are slaughtered at slaughter-houses specified in the regulations;
- (ii) the carcasses of and the meat obtained from animals referred to in subparagraph (i);

(b) provide for the appointment of officers of the Public Service as inspectors for the purposes of the regulations;

(c) prescribe the fees which shall be payable to the State for the inspection of animals, carcasses and meat referred to in paragraph (a), the circumstances in which the fees shall be paid and the persons by whom the fees shall be paid.

(3) The Minister shall not in regulations made in terms of subsection (2) specify a slaughter-house in respect of which a municipal council or town council is exercising the powers of inspection conferred upon it by subsection (1) unless he is requested to do so by the municipal council or town council.

(4) No fees shall be charged for the inspection by a municipal council or town council in terms of subsection (1) of meat slaughtered at a slaughter-house specified in regulations made in terms of subsection (2).

## **PART IX**

### **SANITATION AND HOUSING**

## **82 Nuisances prohibited**

No person shall cause a nuisance, or shall suffer to exist on any land or premises owned or occupied by him, or of which he is in charge, any nuisance or other condition liable to be injurious or dangerous to health.

## **83 Local authorities to maintain cleanliness and prevent nuisances**

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

## **84 Local authorities to prevent or remedy danger to health arising from unsuitable dwellings**

It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection of or occupation of unhealthy dwellings or premises or the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from the construction, condition or manner of use of any factory or trade premises, and to take proceedings under the law or regulations in force in its district against any person causing or responsible for the continuance of any such condition.

## **85 What constitutes a nuisance**

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

(a) any dwelling or premises which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be injurious or dangerous to health, or which is or are liable to favour the spread of any infectious disease;

(b) any stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, sanitary convenience, urinal, cesspool, cesspit, drain, sewer, dungpit, slop-tank, ashpit or manure heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health; or any collection of water which may serve as a breeding pool for mosquitoes;

(c) any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by man for drinking or domestic purposes or in connection with any dairy or milk-shop, or in connection with the manufacture or preparation of any

article of food intended for human consumption which is polluted or otherwise liable to render any such water injurious or dangerous to health;

- (d) any stable, kraal, cow-shed or other building or premises used for the keeping of animals or birds which is so constructed, situated, used or kept as to be offensive or injurious or dangerous to health;
- (e) any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is offensive or which is injurious or dangerous to health;
- (f) any dwelling which—
  - (i) is so overcrowded as to be injurious or dangerous to the health of the inmates; or
  - (ii) does not conform with any regulations or by-laws made under any Act and in force in the area as regards—
    - A. air space or floor space; or
    - B. lighting or ventilation; or
    - C. sanitary conveniences; or
    - D. ablution facilities; or
    - E. cooking facilities
- (g) any public building which is so situated, constructed, used or kept as to be unsafe or injurious or dangerous to health;
- (h) any occupied dwelling for which such a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain;
- (i) any trade premises not kept in a cleanly state and free from offensive smells arising from any drain, sanitary convenience or urinal, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein;
- (j) any trade premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;
- (k) any area of land kept or permitted to remain in such a state as to be offensive or liable to cause any infectious, communicable or preventable disease or injury or danger to health;
- (l) any chimney, not being the chimney of a private dwelling, sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health;
- (m) any cemetery, burial place or place of sepulture so situated or so crowded or otherwise conducted as to be offensive or injurious or dangerous to health;
- (n) any other condition whatever which is offensive, injurious or dangerous to health.

## **86 Notice to remove nuisance**

(1) The local authority, if satisfied of the existence of a nuisance shall serve a notice on the author of the nuisance, or if he cannot be found, then on the occupier or owner of the dwelling or premises on which the nuisance arises or continues, requiring him to remove it within the time specified in the notice and to execute such works and do such things as may be necessary for that purpose, and if the local authority thinks it desirable, but not otherwise, specifying any works to be executed to prevent a recurrence of the said nuisance:

Provided that—

- (i) where the nuisance arises from any want or defect of a structural character, or where the dwelling or premises are unoccupied, the notice shall be served on the owner;
  - (ii) where the author of the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the dwelling or premises, the local authority shall itself remove the same, and may do what is necessary to prevent the recurrence thereof.
- (2) In subsection (1)—

“author of a nuisance” means the person by whose act, default or sufferance the nuisance is caused, exists or is continued, whether he is an owner or occupier or both owner and occupier, or any other person.

## **87 Procedure where person fails to comply with notice**

(1) If the person on whom a notice to remove a nuisance has been served as aforesaid fails to comply with any of the requirements thereof within the time specified, or if the nuisance, although removed since the service of the notice, is in the opinion of the local authority likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a magistrate, and such magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before his court.

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

or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence, or an order both requiring the removal and prohibiting the recurrence of the nuisance.

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

[Subsection as amended by section 4 of Act No. 22 of 2001]

(4) Before making an order the court may, if it thinks fit, adjourn the hearing or further hearing of the summons until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.

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

Notwithstanding any such last-mentioned order, further proceedings may be taken in accordance with this section in respect of the same dwelling in the event of any nuisance occurring or of the dwelling being again found to be unfit for human habitation.

### **87A Local Authorities failing to deal with nuisances**

(1) The Secretary or any health inspector of the Ministry, if satisfied that a local authority has caused or allowed to exist on any land or premises in its area of jurisdiction any nuisance or other condition that is or is likely to be injurious or dangerous to public health, shall serve a notice on the local authority concerned requiring it to remove the nuisance within the time specified in the notice and execute such works and do such things as may be necessary for that purpose.

(2) If the local authority on which a notice to remove a nuisance has been served fails to comply with any of the requirements thereof within the time specified, or if the nuisance, although removed since the service of the notice, is, in the opinion of the Secretary or health inspector, likely to recur on the same land or premises, the Secretary or health inspector shall cause a complaint relating to such nuisance to be made before a magistrate and such magistrate shall thereupon issue a summons requiring the medical officer of health of the local authority on which the notice was served to appear before his court on behalf of the local authority, and subsections (2) to (5) of section *eighty-seven* shall apply to the local authority as they apply to a person referred to in subsection (1) of that section.

[Section inserted by section 23 of Act 14 of 2002]

### **88 Penalties in relation to nuisances**

(1) Any person who fails to obey an order to comply with the requirements of the local authority, or otherwise to remove the nuisance, shall, unless he has satisfied the court that he has used all diligence to carry out such order, be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and any person wilfully acting in contravention of a closing order issued under section *eighty-seven* shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

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

(3) Any local authority that fails to obey an order to comply with the requirements of the Secretary or health inspector or otherwise to remove the nuisance, shall, unless it has satisfied the court that it has used all diligence to carry out such order, be guilty of an offence and liable to a fine not exceeding two thousand dollars for every day during which the default continues.

[Subsection inserted by section 23 of Act 14 of 2002]

(4) The Secretary or health inspector may in such a case enter the premises to which any such order relates and remove the nuisance and do whatsoever may be necessary to effect such order and recover the expenses incurred by him from the local authority on whom the order was served.

[Subsection inserted by section 23 of Act 14 of 2002]

### **89 Court may order local authority to execute works in certain cases**

Whenever it appears to the satisfaction of the court that the person by whose act or default the nuisance arises or that the owner or occupier of the premises is not known or cannot be found, the court may at once order the local authority to execute the works thereby directed, and the cost of executing the same shall be a charge on the property on which the said nuisance exists.

## 90 Examination of premises

The local authority or any of its officers or, on the order of a district administrator, any police officer may at all reasonable times enter any building or premises for the purpose of investigating as to the existence of any nuisance therein; and the local authority or any of its officers may, if necessary, open up the ground of such premises and cause the drains to be tested or such other work to be done as may be necessary for the effectual examination of the said premises:

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

## 91 Persons making complaint of nuisance

(1) Any three persons who allege that a nuisance exists may notify the allegation to the local authority, supported by certificates of two medical practitioners, if two or more are resident in the district, otherwise by the certificate of one medical practitioner, and if the local authority fails within a reasonable time to cause the nuisance to be removed such persons may serve the notice referred to in section *eighty-six*, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders and otherwise as in the case of a complaint relating to a nuisance made by the local authority:

Provided that the court may authorize any police officer or any other person to do all the necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

(2) Any police officer or other person authorized under this section shall have the like powers as if he were an officer of the local authority.

(3) Where the court is satisfied that the person making a complaint under this section had reasonable grounds for doing so, the court may, when making an order for the removal of the nuisance, also order the local authority to pay any expenses or costs incurred by such person instead of ordering the author of the nuisance to pay the same. The court may likewise order any person whose complaint appears to it to be frivolous or vexatious to pay the costs and expenses incurred by the person who has answered the complaint.

## 92 Demolition of unfit dwellings

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

(2) The court shall give notice to the occupier of a dwelling in respect of which such an order has been issued requiring him to move therefrom within a time to be specified in such notice, and if any person fails to comply with such notice or enters the dwelling or premises after the date fixed by the court for the commencement of the demolition thereof, except for the purpose of demolition, he shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(3) If any person fails to comply with such an order for demolition he shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment, and the local authority may cause the dwelling and any other structures on the premises to be demolished, and may recover from the owner the expense incurred in doing so after deducting the net proceeds of the sale of the materials which the local authority may sell by auction.

[Subsection as amended by section 4 of Act No. 22 of 2001]

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

## 93 Prohibitions in respect of back-to-back dwellings and rooms without through ventilation

(1) Within every urban area, and also within any rural area to which the Minister may, by statutory instrument, apply this section, it shall not be lawful for any person—

- (a) to erect any dwelling constructed on the back-to-back system; or
- (b) to erect any room intended to be used as a sleeping or living or work room which is not sufficiently lighted by a window or windows of a total area of not less than one-twelfth of the floor area, and sufficiently ventilated by two or more ventilation openings or by windows capable of being wholly or partly opened, such windows or openings being so placed as to secure through or cross ventilation; or
- (c) to erect any dwelling on made ground containing street sweepings, refuse, rubbish or other matter liable to decomposition until the approval of the local authority has been obtained and until also such measures for safeguarding health have been taken as the local authority may require; or

(d) to let or use for habitation any dwelling or room erected anywhere after the 1st January, 1925, in contravention of paragraph (a), (b) or (c).

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection substituted by section 4 of Act No. 22 of 2001]

## 94 Regulations

(1) The Minister may make regulations, and may confer powers and impose duties in connection with the carrying out and enforcement thereof on local authorities, district administrators and district officers, owners and others, as to—

- (a) the inspection of land, dwellings and buildings, and for securing the keeping of the same clean and free from nuisance and so as not to endanger the health of the inmates or the public health;
- (b) the construction of buildings, including matters relating to—
  - (i) proper lighting and ventilation;
  - (ii) measures for excluding insects and vermin;
  - (iii) sanitary conveniences;
  - (iv) other matters necessary or desirable to safeguard the health of the inmates or the public health;
- (c) the prevention of overcrowding in any dwelling or building, including the prohibition of the use of any dwelling or building or any part of a dwelling or building for sleeping purposes;
- (d) the regulation, prohibition or control of the cooking, preparation or storage of food in any building or part of a building where the facilities therefor are inadequate;
- (e) the periodical cleansing and whitewashing or other treatment of dwellings and the cleansing of land attached thereto and the removal of rubbish or refuse therefrom by the owners of the dwellings;
- (f) the drainage of land or premises, the disposal of offensive liquids and the removal and disposal of rubbish, refuse, manure and waste matters;
- (g) the standard or standards of purity of any effluent liquid containing waste, sewage or other offensive matter which might be a danger to the public health and the conditions whereunder such effluent may be used for domestic, agricultural, industrial or other purposes so as not to endanger the public health;
- (h) the keeping of animals or birds and the construction, cleanliness and drainage of places where animals or birds are kept;
- (i) the establishment and carrying on of factories or trade premises which are liable to cause offensive smells or effluvia or to discharge liquid or other material liable to cause such smells or effluvia or to pollute streams or which are otherwise liable to be a nuisance or injurious or dangerous to health, and prohibiting the establishment or carrying on of such factories or trade premises in unsuitable localities or so as to be a nuisance or injurious or dangerous to health.

(2) Any person who contravenes any provision of regulations made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection substituted by section 4 of Act No. 22 of 2001]

## PART X

### GENERAL

## 95 Contributions to cost of laboratories and voluntary associations concerned with public health

The Minister, subject to such conditions as he may in each case fix and determine, may—

- (a) contribute towards the cost of construction, or maintenance of laboratories or other institutions engaged in carrying out researches or investigations regarding human diseases or towards the cost of any such researches or investigations;
- (b) contribute towards the costs incurred by any local authority or educational institution or any public voluntary society or association in connection with maternity welfare or child welfare, the training of health inspectors or health visitors, instruction in first aid or home nursing or any other matter relating to public health.

## 96 Powers and duties of Chief Health Officer and assistant health officers

Every assistant health officer of the Ministry may, with the authority and on behalf of the Chief Health Officer, discharge any of the duties or functions of the Chief Health Officer, and any duties imposed or powers conferred by this Act on Government medical officers may be carried out or exercised by the Chief Health Officer or any assistant health officer of the Ministry.

## **97 Reciprocal notification and consultation between Ministry and Veterinary Department**

(1) There shall be between the Ministry and the Department of Veterinary Services a system of reciprocal notification as to outbreaks or threatened outbreaks of diseases liable to affect both man and animals, and of consultation as to the making of regulations or the taking of measures in connection therewith.

(2) Whenever under this Act it is necessary to determine the presence or absence of disease in any live animal otherwise than by the bacteriological examination of secretions, discharges or other material, only the certificate of an approved veterinary surgeon shall be evidence.

## **98 Domicile of persons for purposes of this Act**

Where any question arises as to the domicile of any person for the purposes of this Act, it shall be referred to the Minister, whose decision thereon shall be final and conclusive.

## **99 Contracts in respect of dwellings not to be affected**

Except as specially provided in subsection (5) of section *eighty-seven* and subsection (4) of section *ninety-two*, nothing in this Act shall prejudice the remedies of any owner or occupier of a dwelling or premises for the breach, non-observance or non-performance of any contract entered into by an owner or occupier in respect of which dwelling or premises an order has been made by the court or a local authority under this Act.

## **100 Savings as to recovery of damage**

Subject to section *one hundred and one*, nothing in this Act shall be construed as depriving any person of any right which he may possess to institute legal proceedings and to obtain damages in any court of law for loss or injury sustained through the neglect of any local authority or any person to perform any duty imposed by this Act or otherwise.

## **101 Protection of State and local authorities**

Whenever, in the exercise of any power conferred or in the performance of any duties imposed upon the State or any officer thereof or a local authority or any officer thereof under this Act or any other law relating to public health, he or it is alleged to have caused injury to any person or damage to any property or otherwise to have detrimentally affected the rights of any person, whether in respect of property or otherwise, it shall be a defence in any legal proceedings founded on such an allegation and brought against the State or its officer or a local authority or its officer that the defendant or respondent has used the best known or the only or most practicable and available methods in the exercise of the power or the performance of the duties aforesaid. In the case of such proceedings against a local authority a certificate signed by the Chief Health Officer that the defendant or respondent has, when regard is had to all the circumstances, used the best known or the only or most practicable and available methods shall be accepted by the court as *prima facie* evidence of that fact.

## **102 Protection of officers**

No report made or action taken or thing done by the Minister or by a Government health officer or medical officer of health or approved veterinary surgeon or health inspector or any generally or specially authorized officer of the State or of a local authority in the exercise of any power conferred or the performance of any duty imposed by this Act shall subject him in his personal capacity to any legal proceedings whatsoever, provided such report was made or action was taken or thing was done in good faith and without negligence.

## **103 Powers of entry and inspection of premises and penalties for obstruction**

(1) Any health officer or medical or health inspector of the Ministry, or any district administrator or district officer, or any police officer or any other person generally or specially authorized by the Minister, and any medical officer of health or health inspector or other person generally or specially authorized by the local authority, may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which he is required or authorized by this Act or any other law to do, if such inspection, work or thing is necessary for or incidental to the performance of his duties or the exercise of his powers.

(2) Any person who fails to give or refuses access to any officer, inspector or person mentioned in or authorized under subsection (1) if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this Act, or who fails or refuses to give information that he may lawfully be required to give to such officer, inspector or person, or who gives to such officer, inspector or person false or misleading information knowing it to be false or misleading, or who prevents the owner or any of his servants or workmen from entering any land or dwelling or premises for the purpose of complying with any requirement under this Act, shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended section 4 of Act No. 22 of 2001]

## **104 Penalties for fraudulent conduct in connection with certificates under this Act**

Any person who—

- (a) for the purpose of obtaining any certificate under this Act, makes any false statement or is a party to any false pretence or conduct, knowing it to be false; or

- (b) forges or falsifies any certificate under this Act or utters any such forged or falsified certificate, knowing it to be forged or falsified; or
- (c) uses or attempts to use any document as a certificate under this Act, knowing it to be a forged or falsified document or certificate;

shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

### **105 Penalties where not expressly provided**

Any person guilty of an offence against, or contravention of, or default in complying with, any provision of this Act shall, if no penalty is expressly provided for such offence, contravention or default, be liable to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

### **106 Burden of proof as to knowledge of infection**

In any legal proceedings, criminal or civil, under this Act relating to an infectious or communicable disease, or to any article or thing alleged to have been exposed to or contaminated with the infection thereof, whenever it is an issue in the proceedings that the accused or the defendant knew that he or any other person was infected with such disease, or that such article or thing had been so exposed or was so contaminated, he shall be deemed to have had such knowledge unless he satisfies the court to the contrary.

### **107 Defect in form not to invalidate**

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

### **108 Service of notices**

Whenever under this Act any notice, order or other document is required to be given to any person, the same shall be deemed to be sufficiently served if sent by registered post addressed to him at his last known place of abode or left thereat with him personally or with some adult inmate thereof; and in the case of a notice, order or other document required to be given to an owner or occupier of land or premises whose abode, after inquiry, is unknown, the same shall be deemed to be sufficiently served if posted up in some conspicuous place on such land or premises. It shall not be necessary in any notice, order or other document given to an owner or occupier of land or premises to name him, but the notice, order or document shall describe him as the owner or occupier of the land or premises.

### **109 Powers of local authority outside its district**

Nothing in any law specially governing any local authority shall be construed as preventing such local authority from exercising any power or performing any duty under this Act by reason only that in exercising such power or performing such duty it must do some act or thing or incur expenditure outside its district.

### **110 Provisions of this Act in relation to other laws**

Save as is specially provided in this Act, this Act shall be deemed to be in addition to and not in substitution for any provisions of any other law which are not in conflict or inconsistent with this Act. If any other law is in conflict or inconsistent with this Act, this Act shall prevail.

### **111 Scope and application of proclamations and regulations**

(1) Any proclamation, regulation, notice or order issued under this Act may be expressed to be in addition to or in substitution for any like document issued by any local authority.

(2) Any proclamation, regulation, notice or order issued under this Act may be expressed to apply throughout Zimbabwe or any specified or defined part thereof.

(3) Any proclamation, regulation, notice or order issued under this Act may be amended or rescinded by the authority which issued it.

### **112 Application of Act to State**

Nothing in this Act contained shall be construed as conferring any powers or imposing any duties upon a local authority in respect of any land or premises owned or occupied by the State for military purposes.

### **113...**

[Section repealed by section 4 of Act No. 22 of 2001]