



REPUBLIC OF NAURU

Public Health Ordinance 1925

As in force from 14 October 1983

This compilation comprises Ordinance No. 10 of 1925 as amended and in force from 14 October 1983 (being, at the time the compilation was prepared on 19 May 2011, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

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REPUBLIC OF NAURU
Public Health Ordinance 1925

AN ORDINANCE To Make Provision for the Safety of the Public Health of the Republic of Nauru¹

1 Short title

This Ordinance may be cited as the *Public Health Ordinance 1925*.

2 Government Medical Officer

The Government Medical Officer, whenever referred to in this Ordinance, shall mean the Medical Officer for the time being carrying out the duties of Government Medical Officer.

3 Definitions

In this Ordinance, unless the contrary intention appears:

'Close settlement area' means any area declared by the Administrator in Council² by notice in the Gazette to be a close settlement;

'Stock' includes any pig.

4 Inspection of close settlement area

The Government Medical Officer shall, as directed by the Administrator,³ make an inspection of any close settlement area, and furnish a written report thereon.

¹ The words 'Island of Nauru' in the long title have been replaced with the words 'Republic of Nauru' in accordance with section 3 of the *Interpretation Act 1971*.

² In relation to the expression '**Administrator in Council**', clause 86(3) of the *Constitution of Nauru* provides:

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru acting in accordance with the advice of the Executive Council of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the Cabinet.'

³ In relation to the expression '**Administrator**', clause 86(2) of the *Constitution of Nauru* provides:

5 Notice to exclude stock from close settlement area

The Administrator, upon receiving a report from the Government Medical Officer, may, by notice, require any holder of a leasehold in a close settlement area to take such measures as the Administrator in Council thinks fit, for the exclusion of stock from any close settlement area.

6 Failure to comply with notice

Any leaseholder who fails to comply with the notice referred to in the last preceding section shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding Four dollars.

7 Houses, etc. to be kept clean

All houses, premises, and the grounds in which they stand shall be kept clean.

8 Stagnant water

No stagnant water shall be allowed to lie in such grounds for more than 24 hours unless treated to the satisfaction of the Government Medical Officer by efficient drainage, or with petroleum or other suitable oil.

9 Receptacles capable of holding water

No tins, bottles, coconut shells or husks, or other receptacles capable of holding water shall be allowed to remain upon such premises or grounds.

10 Water tanks or vessels to be covered or treated

All tanks and vessels used for retaining water shall be efficiently covered with mosquito-proof gauze, or shall be treated with kerosene or other suitable oil to the satisfaction of the Government Medical Officer.

11 Proof of non-compliance

If mosquito larvae be found in any receptacle of any kind, or in any stagnant water, it shall be accepted as proof that the

'Subject to this Constitution, a reference in a law continued in force by clause (1) or (2) of Article 85 to the Administrator of the Territory of Nauru shall, unless the context otherwise requires, be read as a reference to the President or where responsibility for the administration of that law is assigned to a Minister under Article 23, to that Minister.'

provisions of sections 8, 9 and 10 of this Ordinance have not been satisfactorily complied with.

12 Guttering and pipes to be kept clean

The guttering and down pipes connected with the roofs of all houses and premises shall be kept clean and efficient.

13 Inspection of premises

The Government Medical Officer, or any member of his staff thereto authorized by him in writing may, at all such times as he shall think fit, enter upon any premises for the purpose of inspection.

14 Inspection and cleaning of lands

The Government Medical Officer and his staff may enter upon any unoccupied or apparently unoccupied lands for the purpose of inspecting and cleaning the same. The owner of such lands shall be liable for any expenses thereby incurred. Any person assaulting or obstructing any officer acting under this or the next preceding section shall be guilty of an offence against the provisions of this Ordinance.

15 *[Repealed]*

16 Protection and destruction of foodstuffs

- (a) All persons who sell or deal in foodstuffs of a perishable nature shall keep such goods properly protected from flies.
- (b) If the Government Medical Officer be satisfied that any such foodstuffs have not been so protected, he may order the immediate destruction thereof.

17 Destruction of trees or plants which retain water

The Administrator in Council, on the recommendation of the Government Medical Officer, may order the destruction of trees or plants which retain water.

18 Prohibition of sale of foods unfit for human consumption

The Government Medical Officer may prohibit the sale of fruit, vegetables, and other foods that may be unfit for human consumption; and any person selling any articles of which the sale has been so prohibited shall be guilty of an offence against the provisions of this Ordinance. The Government Medical

Officer may order the removal or immediate destruction of any foodstuffs he may consider to be unfit for human consumption.

19 Penalty

The penalty for any infraction of this Ordinance shall be a fine not exceeding Twenty dollars and/or imprisonment not exceeding one month.

20 Liability for offences

- (a) For any offence against the provisions of sections 7 to 12 inclusive of this Ordinance, the person primarily liable shall be the occupier of the house, premises, or lands upon which or in respect of which such offence was committed.
- (b) Should there be no such occupier, the owner of the said house, premises, or lands shall become liable in respect of such offence.

21 Regulations

The Administrator in Council may make regulations not inconsistent with this Ordinance prescribing all matters necessary or convenient to be prescribed for giving effect to this Ordinance and, in particular, may make regulations providing for and in relation to:

- (a) the prevention of disease;
- (b) the maintenance of health;
- (c) sanitation in respect of any place, premises, vehicle or receptacle;
- (d) the control and inspection of:
 - (i) the preparation, sale and distribution of food;
 - (ii) the slaughtering of animals;
 - (iii) eating houses and food shops; and
 - (iv) barber shops; and
- (e) the imposition of penalties not exceeding One hundred dollars for offences against the regulations or, where the offence is a continuing one, for penalties not exceeding Ten dollars for every day during which the offence continues.

Notes for Public Health Ordinance 1925

Table of Constituent Legislation

Ordinances

Citation	Number	Made	Gazettal*	Commencement
<i>Public Health Ordinance 1925</i>	1925/10	30.07.1925†	–	30.07.1925
<i>Public Health Ordinance 1936</i>	1936/08	04.07.1936	–	04.07.1936
<i>Executive Council Ordinance 1966</i>	1966/03	14.02.1966	17.02.1966	17.02.1966 (GN 47/1966)
<i>Public Health Ordinance 1967</i>	1967/21	05.10.1967	16.10.1967	16.10.1967 (GN 227/1967)
<i>Ordinances Revision Ordinance 1967</i>	1967/25	29.12.1967	29.12.1967	29.12.1967 (GN 315/1967)

* Gazettal date is of no legal significance for Ordinances made before 30.08.1956 (commencement of the *Interpretation Ordinance 1956*).

† Date of signature deemed by Ord. 1967/25 to be 30.07.1925.

Act

Citation	Number	Certification	Commencement
Litter Prohibition Act 1983	1983/06	14.10.1983	14.10.1983

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
om. = omitted os. = omitted and substituted

Provision affected	How affected
Section 1 (formerly section 2)	Renumbered by Ord. 1967/25.
Section 2 (formerly section 3)	Renumbered by Ord. 1967/25.
Section 3 (formerly section 3A)	Ad. by Ord 1936/08. Am. by Ord 1966/03. Renumbered by Ord. 1967/25.
Section 4 (formerly section 3B)	Ad. by Ord 1936/08. Renumbered by Ord. 1967/25.
Section 5 (formerly section 3C)	Ad. by Ord 1936/08. Am. by Ord 1966/03. Renumbered by Ord. 1967/25.

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Provision affected	How affected
Section 6 (formerly section 3D)	Ad. by Ord 1936/08. Renumbered by Ord. 1967/25. Am. by Ord 1967/25.
Section 7 (formerly section 4)	Renumbered by Ord. 1967/25.
Section 8 (formerly section 5)	Renumbered by Ord. 1967/25.
Section 9 (formerly section 6)	Renumbered by Ord. 1967/25.
Section 10 (formerly section 7)	Renumbered by Ord. 1967/25.
Section 11 (formerly section 8)	Renumbered by Ord. 1967/25. Am. by Ord. 1967/25.
Section 12 (formerly section 9)	Renumbered by Ord. 1967/25.
Section 13 (formerly section 10)	Renumbered by Ord. 1967/25.
Section 14 (formerly section 11)	Renumbered by Ord. 1967/25.
Section 15 (formerly section 12)	Renumbered by Ord. 1967/25. Rep. by Act 1983/06.
Section 16 (formerly section 13)	Renumbered by Ord. 1967/25.
Section 17 (formerly section 14)	Am. by Ord 1966/03. Renumbered by Ord. 1967/25.
Section 18 (formerly section 15)	Renumbered by Ord. 1967/25.
Section 19 (formerly section 16)	Renumbered by Ord. 1967/25. Am. by Ord. 1967/25.
Section 20 (formerly section 17)	Renumbered by Ord. 1967/25. Am. by Ord. 1967/25.
Section 21	Ad. by Ord. 1967/21 (see Note 1).

Note 1: Section 21 (enacted as section 18) has been editorially renumbered under the *Legislation Publication Regulations 2011*. Section 2 of Ord. 1967/21 by which the section was inserted, provided for a new section 18 to be added after section 17. When the provisions of the *Public Health Ordinance 1925-1967* were renumbered by Ord. 1967/25, no provision was made for the renumbering of section 18.