



SAMOA

## HEALTH ORDINANCE 1959

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**HEALTH ORDINANCE 1959**

**1959**

**No.19**

**AN ORDINANCE** to consolidate and amend certain laws relating to public health.

*[Assent date: 28 September 1959]*

*[Commencement date: 1 October 1959]*

**PART 1  
PRELIMINARY**

**1. Short title and commencement** – This Ordinance may be cited as the Health Ordinance 1959, and comes into force on 1 October 1959.

**2. Interpretation** – In this Ordinance, unless the context otherwise requires:

“animal” includes any bird, reptile, amphibian, or insect;

- “Chief Executive Officer” has the same meaning as provided by the Ministry of Health Act 2006;
- “cleansing”, in relation to a building, includes lime-washing and the destruction of vermin, and, where appropriate, painting and papering;
- “dwelling” includes any building, tent, caravan, or other structure or erection, whether permanent or temporary, that is used or intended to be used in whole or in part for human habitation, and includes the land and any outbuildings and appurtenances belonging to a dwelling;
- “infectious disease” means a disease for the time being specified in Schedule 1, and includes any other disease which may be declared by the Minister by notice in the *Samoa Gazette* to be an infectious disease;
- “Inspector” means an officer of the Ministry appointed as an Inspector of Health under this Ordinance;
- “medical practitioner” means a person qualified for appointment as a medical officer or to practise medicine or surgery in Samoa under the provisions of the Medical Practitioners Act 1975;
- “Minister” has the same meaning as provided by the Ministry of Health Act 2006;
- “Ministry” has the same meaning as provided by the Ministry of Health Act 2006;
- “owner” in relation to any land or premises, means a person in actual occupation thereof or entitled to occupy the same or receive the rents in respect thereof whether on his or her own account or as agent of or trustee for any other person, but does not include the Government of Samoa as trustee for the beneficial owners;
- “premises” includes a ship or an aircraft.

*PART 1A  
ADMINISTRATION - REPEALED*

*Health Ministry - Repealed*

*3—11. Repealed by the Ministry of Health Act 2006 (No. 19) .*

**PART 2  
BUILDINGS**

**12. Requirements of dwellings** – (1) No person shall erect or rebuild a building intended for use as a dwelling or shall sell, or let, or sublet, or permit to be occupied as a dwelling, a building or part of a building unless in every such case sufficient provision is made in accordance with regulations under this Ordinance, or, in the absence of such regulations, to the satisfaction of the Chief Executive Officer for the following matters, that is to say:

- (a) an adequate and convenient supply of wholesome water available for the inmates of the dwelling; and
- (b) suitable appliances for the disposal of refuse water in a sanitary manner; and
- (c) sufficient privy accommodation available for the inmates occupiers of the dwelling.

(2) A person who commits an offence against this section is liable on conviction to a fine not exceeding 1 penalty unit.

(3) The owner of a dwelling erected or rebuilt in contravention of this section is liable on conviction, in addition to a penalty under subsection (2), to a fine not exceeding one-half of 1 penalty unit, for everyday during which such dwelling or any part thereof is inhabited whilst not in conformity with the requirements of this section.

**13. Requirements for business premises** – With respect to a factory, workroom, shop, office, warehouse or other business place in which persons are employed, the following provisions apply:

- (a) sufficient privy accommodation available for the use of the persons employed therein is to be provided in accordance with regulations under this Ordinance, or, in the absence of such regulations, then to the satisfaction of the Chief Executive Officer;
- (b) if the persons so employed are of different sexes, then the privy accommodation is to be separate for each sex and is to be so constructed and situated as to ensure complete seclusion for each sex;
- (c) if default is made in faithfully complying with any of the foregoing requirements of this section, the owner and occupier of the premises are severally

liable to a fine not exceeding 1 penalty unit for each day on which the default occurs.

**13A. Cleansing orders – (1)** If the Chief Executive Officer is of opinion that a building needs cleansing in any respect in order to remove a danger to health or otherwise make it fit for human habitation or occupation, the Chief Executive Officer may issue an order in writing (hereinafter referred to as a cleansing order) and cause the cleansing order to be served on the owner or occupier of that building requiring him or her to cleanse that building in the manner and within the time specified in the cleaning order.

**(2)** If the owner or occupier of a building on whom a cleansing order is served makes default in cleansing that building or time specified in the cleansing order served on him or her:

- (a) he or she commits an offence, and is liable to a fine not exceeding 1 penalty unit and to a further fine not exceeding one-half of 1 penalty unit for each day during which such default continues; and
- (b) the Chief Executive Officer and necessary workers employed by the Chief Executive Officer may enter on the land on which that building stands and may cause that building to be cleansed in the manner specified in the cleansing order served on the owner or occupier thereof, and recover the cost and expense of so doing as a debt due to the Government.

**14. Chief Executive Officer may issue closing order in default of repair – (1)** If the Chief Executive Officer is of opinion:

- (a) that any premises are, by reason of structural defects, in such a state as to create a nuisance within the meaning of this Ordinance;
  - (b) that a dwelling is, by reason of its situation or structure, or state of disrepair, or insanitary condition, dangerous to health or otherwise unfit for human habitation;
  - (c) that a dwelling is without an adequate supply of wholesome water as required by this Ordinance;
- or

(d) that any premises are without sufficient privy accommodation as required by this Ordinance, – the Chief Executive Officer may issue an order (hereinafter referred to as a closing order) and cause the same to be served on the owner or occupier of such premises prohibiting the use of any such premises for human habitation or occupation until such repairs, alterations, or works as may be specified in the order have been carried out to his or her satisfaction.

(2) Despite subsection (1), the Chief Executive Officer shall not, except by direction of the Minister, issue a closing order under this section unless he or she has first served on the owner or occupier a notice calling on him or her to effect or carry out any repairs, alterations, or works specified in that notice within a specified time and that notice has not been complied with.

**15. Appeals against cleansing and closing orders – (1)** Within 14 days after the service of a cleansing order or a closing order on an owner or occupier of any building or other premises, he or she may give notice of appeal to the Chief Executive Officer and to the Registrar of the District Court.

(2) Pending the expiration of the time for an appeal under this section and the determination of any such appeal, the cleansing order or the closing order in question is taken to be suspended.

**16. Decision of Court** – On any such appeal, the Court may cancel the order, or may confirm it, either absolutely or subject to such conditions and modifications as the Court deems just, and the decision of the Court is final.

**17. Failure to comply with closing order** – A person being the owner or occupier of any premises in respect of which a closing order is in force under this Ordinance who inhabits or occupies such premises or any part thereof, or who permits or suffers any other person to inhabit or occupy any such premises or part thereof, commits an offence and is liable on conviction to a fine not exceeding 1 penalty unit and to a further fine not exceeding one-half of 1 penalty unit for every day during which such offence continues.

**18. Determination of closing order** – As soon as the alteration, repairs, or works specified in a closing order have been

executed to the satisfaction of the Chief Executive Officer, the Chief Executive Officer shall determine the order, and thereupon the order shall cease to have any force or effect.

**19. Chief Executive Officer may require demolition** – On the application of the Chief Executive Officer by notice of motion that a building or part of a building should be demolished as herein provided on the ground that:

- (a) repairs, alterations, or works required to be executed in connection with such building under a closing order issued under the foregoing provisions of this Ordinance have not been so executed; or
- (b) the building or part thereof is in a condition unfit for use or occupation, or dangerous to the health either of the occupier or of any other person or persons, –

a Judge of the Supreme Court may make an order (herein referred to as a demolition order) that the building or part thereof be taken down and removed at the expense in all things of the owner within such time as may be specified in the order.

**20. Enforcement of order** – If the owner of a building fails to comply with a demolition order issued in respect thereof, or any part thereof, the owner is liable on conviction to a fine not exceeding 1 penalty unit; and the Chief Executive Officer on behalf of the Minister may cause the building or part to be taken down or removed and may recover from the owner in a Court of competent jurisdiction all costs and expenses incurred in connection therewith.

**21. Offence in respect of order** – A person being the owner or occupier of any premises in respect of which or of part of which a demolition order under section 19 is made who inhabits or occupies such premises or part thereof, or permits or suffers any other person to inhabit or occupy such premises or part, commits an offence and is liable on conviction to a fine not exceeding 1 penalty unit and to a further fine not exceeding one-half of 1 penalty unit for any day during which such offence continues:

**PROVIDED THAT** in cases where application is made to the Court for a demolition order, no offence is taken to have been

committed under this section by reason of the occupation of the premises or part thereof prior to the date of such order.

### **PART 3 NUISANCES**

**22. Nuisances defined** – Without limiting the meaning of “nuisance”, a nuisance is taken to be created in any of the following cases, that is to say:

- (a) where a pool, ditch, gutter, or watercourse, privy or other sanitary convenience, cesspool, drain, or vent-pipe is in such a state or is so situated as to be dangerous to health or offensive;
- (b) where any accumulation or deposit is in such a state or is so situated as to be dangerous to health or offensive;
- (c) where any premises (including any accumulation or deposit thereon) are in such a state as to harbour or to be likely to harbour rats or other vermin;
- (d) where any premises are so situated, or are of such construction or are in such a state, as to be dangerous to health or offensive;
- (e) where a gutter, drain, spouting, or down-pipe of a building causes dampness in such building or in any adjoining building by reason of its insufficiency or defective condition;
- (f) where a building or part of a building is so overcrowded as to be dangerous to the health of the occupants, or does not, as regards air space, floor space, lighting, or ventilation, conform with the requirements of this or any other Ordinance, or of any regulations made thereunder;
- (g) where a factory, workroom, shop, office, warehouse, or other place of trade or business—
  - (i) is not kept in a clean state, and free from offensive effluvia from any drain or sanitary convenience;
  - (ii) is not provided with appliances so as to carry off in a harmless and inoffensive manner any fumes, gases, vapours, dust or impurities generated therein;



- (iii) is so overcrowded while work is carried on therein, or is so badly lighted or ventilated, as to be dangerous to the health of the persons employed therein;
- (h) where any buildings or premises used for the keeping of animals or birds are so constructed, situated, used, or kept, or are in such a condition as to be dangerous to health or offensive;
- (i) where any animal or bird, or any carcase or part of a carcase, is so kept or allowed to remain as to be dangerous to health or offensive;
- (j) where any offensive trade is so carried on as to be dangerous to health or unnecessarily offensive;
- (k) where a chimney (including the funnel of a ship, but not including the chimney of a private dwelling) sends forth smoke in such quantity or of such nature, or in such manner as to be dangerous to health or offensive, or in a manner contrary to any regulations;
- (l) where a street, road, right of way, passage, yard, premises, or a land is in such a state as to be dangerous to health or offensive;
- (m) where a well or other source of water supply or any cistern or other receptacle for water which is used or is likely to be used for domestic purposes or in the preparation of food, is so placed or constructed or is in such a condition as to render the water therein offensive, or liable to contamination, or likely to cause danger to health;
- (n) where any offal or material liable to be dangerous to health or offensive is deposited on the foreshore or in the harbour of Apia.

**23. Penalties for nuisances** – A person by whose act, default, or sufferance a nuisance arises or continues (whether the person is or is not the owner or occupier in respect of which such nuisance exists) is liable to a fine not exceeding 1 penalty unit, and if the person convicted can lawfully abate such nuisance the person is liable to a further fine not exceeding one-half of 1 penalty unit for a day or part of a day during which the nuisance remains unabated after such conviction.

**24. Provisions of this Ordinance to be in addition to other rights, remedies or proceedings** – The provisions of this Ordinance relating to nuisances are taken to be in addition to and not to abridge or affect any right, remedy, or proceeding under any other Ordinance or at law or in equity:

**PROVIDED THAT** no person is to be punished for the same offence both under the provisions of this Ordinances and any other law or enactment.

**25. Provisions of this Ordinance to apply to Government and Government officers** – The provisions of this Ordinance relating to nuisance and of any regulations made under this Ordinance shall, unless otherwise specifically provided therein, apply to nuisances created by the Government or by any officer thereof in his or her capacity as such officer.

**26. Proceedings in respect of nuisances** – (1) If a Judge of the Supreme Court is satisfied that a nuisance exists on the premises, or that though abated it is likely to recur, the Judge may by order:

- (a) require the owner and occupier to abate the nuisance effectively;
- (b) prohibit the recurrence of the nuisance;
- (c) both require the abatement and prohibit the recurrence of the nuisance; or
- (d) specify the work to be done in order to abate the nuisance or prevent its recurrence, and the time within which they shall be done.

(2) If the Judge is of opinion that by reason of the nuisance any dwelling or other building is unfit for human occupation, the Judge may, by the same or any subsequent order, prohibit the use thereof for that purpose until the nuisance has been effectively abated to the Judge's satisfaction to prevent its recurrence.

(3) An order made under subsection (2) may be rescinded by the Judge when the Judge is satisfied that the nuisance has been effectively abated or, as the case may be, that due provision has been made to prevent its recurrence; but until the order is rescinded it shall not be lawful to let or occupy the dwelling or building to which the order relates.

(4) A person who makes default in complying with any order made under subsections (1) to (3) is liable to a fine not exceeding 1 penalty unit for each day on which the default occurs.

(5) If the default consists of not doing the works necessary in order to abate the nuisance effectively or to prevent its recurrence the Chief Executive Officer, on behalf of the Minister, shall cause the works to be done at the expense in all things of the owner and occupier, who are jointly and severally liable for the cost of the works.

*Pollution of Watercourses - Repealed*

27. *Repealed by section 55(1) of the Water Act 1965*

**PART 4  
INFECTIOUS DISEASES**

**28. Powers of Chief Executive Officer on outbreak of infectious disease** – (1) If there is an outbreak of any infectious disease, the Chief Executive Officer may, with the authority in writing of the Minister, exercise any of the following powers:

- (a) take possession of and occupy and use such lands and buildings whether public or private as in his or her opinion are required for the accommodation and treatment of patients;
- (b) by requisition in writing served on the owner or other person for the time being in charge of any vehicles, require the exclusive use of such vehicles for the conveyance of patients or of persons in attendance on patients, or otherwise for use in connection with the outbreak of disease as aforesaid;
- (c) by requisition in writing served on the occupier of a premises or on a person from the time being in charge of any premises, require to be delivered to him or her or in accordance with his or her order such drugs, and articles of food or drink, and such other materials as he or she deems necessary for the treatment of patients.

(2) A person who suffers a loss or damage by the exercise of any of the powers conferred on the Chief Executive Officer by

this section is entitled to compensation to be determined in case of dispute by the Supreme Court.

(3) A person who refuses or fails to comply with a requisition under this section, or who counsels, procures, aids, or incites any other person so to do, or who interferes with or obstructs the Chief Executive Officer or a person acting under the authority of the Chief Executive Officer in the exercise of any powers under this section, is liable on conviction to a fine not exceeding 2 penalty units.

**29. Special powers of Chief Executive Officer – (1)** The Chief Executive Officer may, if authorised in writing so to do by the Minister, exercise the following special powers for the purpose of preventing the outbreak or spread of any infectious disease:

- (a) declare a land, building, or thing to be insanitary and may prohibit the use for any specified purpose of any such land, building or thing;
- (b) cause any insanitary building to be pulled down, and the timber and other materials thereof to be destroyed or otherwise disposed of as he or she thinks fit;
- (c) cause insanitary things to be destroyed or otherwise disposed of as he or she thinks fit;
- (d) cause infected animals to be destroyed in such manner as he or she thinks fit;
- (e) require persons to report themselves or submit themselves for medical examination at specified times and places;
- (f) require persons, places, buildings, premises, animals, and things to be isolated, quarantined, or disinfected as he or she thinks fit;
- (g) forbid persons, ships, aircraft, animals, or things to come, or to be brought to a port or place in Samoa from a port or place which is or is supposed to be infected with any infectious disease;
- (h) forbid persons to leave the place in which they are isolated or quarantined until they have been medically examined and found to be free from infectious disease, and until they have undergone

such preventive treatment as he or she may in such case prescribe;

- (i) forbid the removal of ships, aircraft, animals, or things from one port or part of Samoa to another or from the place where they are isolated or quarantined, until they have been disinfected or examined and found to be free from infection;
- (j) prohibit the keeping of animals or of any species of animal in a specified part of Samoa;
- (k) forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water supply;
- (l) by order published as widely as he or she considers practicable in Samoa, or by notices posted in conspicuous places, require all theatres and other places of public amusement, all billiard rooms, all churches, reading rooms and public halls, and all other premises where people are accustomed to assemble for a purpose within Samoa or within a defined area thereof, or any of such premises as aforesaid, to be closed for admission to the public either until further order or for a fixed period, and either absolutely or subject to such qualifications as he or she thinks fit;
- (m) by order published in like manner, prohibit until further order or for a fixed period, and either absolutely or subject to such qualifications as he or she thinks fit, the congregation of people at any racecourse, recreation ground, or other place within Samoa; or
- (n) prohibit until further order or for a fixed period the attendance of children under the age of 16 years in schools, Sunday schools, theatres, or places of public amusement within Samoa, or within a defined area thereof.

(2) The Chief Executive Officer, and any inspector or other person authorised in that behalf by the Chief Executive Officer, may at any time, with or without assistants, enter on any lands or premises and inspect the same and all things thereon or herein, and may do, with respect to any persons, places, land, buildings,

premises, animals, or things, whatever in the opinion of the Chief Executive Officer is necessary or expedient for the purpose of carrying out subsection (1).

(3) In no case shall the Chief Executive Officer or any inspector or other authorised person incur any personal liability by reason of anything lawfully done under the powers conferred by this section.

**30. Penalties for obstructing Chief Executive Officer – (1)**

A person who in any way, directly or indirectly, by any act or default:

- (a) obstructs or hinders the Chief Executive Officer in the exercise of the functions and powers under the foregoing provisions of this Part, or obstructs or hinders any inspector or other person acting with the authority or by direction of the Chief Executive Officer; or
- (b) does anything which the Chief Executive Officer in the exercise of the aforesaid functions and powers forbids to be done;
- (c) refuses, delays, or neglects to comply with any direction or requirement of the Chief Executive Officer in the exercise of the aforesaid functions and powers, –

commits an offence and is liable on conviction to a fine not exceeding 2 penalty units, and in the case of a continuing offence to a further fine not exceeding 2 penalty units, for any day on which the offence is continued after the first day.

(2) A person who is isolated or quarantined by order of the Chief Executive Officer under the foregoing provisions of this Ordinance, and who unlawfully leaves the place of isolation or quarantine, may be arrested by any officer of the Ministry or by any constable without warrant and returned forthwith to the place of isolation or quarantine.

**31. Register of infectious diseases** – The Chief Executive Officer shall keep a register of a case of infectious disease to his or her knowledge occurring in Samoa. A medical practitioner who becomes aware that any person is suffering from an infectious disease shall notify the Chief Executive Officer.

**32. Duty of occupier of building** – When a person is suffering from any sickness the symptoms of which create a reasonable suspicion that it is an infectious disease, the occupier or other person for the time being in charge of the land or building in which the sick person is living shall consult a medical practitioner employed by the Ministry or to notify the Chief Executive Officer of the existence of a disease suspected to be an infectious disease.

**33. Duty of master of ship or aircraft** – When a person on board a ship or aircraft in any harbour, port, or other place in Samoa is suffering from any sickness the symptoms of which create a reasonable suspicion that it is an infectious disease, the master of the ship or person-in-charge of the aircraft shall notify the Chief Executive Officer of the existence of the infectious disease.

**34. Chief Executive Officer may enter premises** – The Chief Executive Officer or any medical practitioner employed by the Ministry may:

- (a) at all reasonable times enter any premises in which he or she has reason to believe that there is or recently has been any person suffering from an infectious disease or recently exposed to the infection of the disease; and
- (b) medically examine a person on such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from the infectious disease.

**35. Chief Executive Officer may order post mortem** – If:

- (a) the death of a person is suspected to have been due to an infectious disease and the facts relating to the death cannot with certainty be ascertained without a post mortem examination; or
- (b) it is desirable for preventing the occurrence or spread of an infectious disease that the facts relating to the death of a person should be ascertained,–

the Chief Executive Officer may order a post mortem examination of the body of the deceased person to be made by a medical practitioner.

**36. Isolation of persons likely to spread infectious disease**

– (1) The Chief Executive Officer or any medical practitioner employed the Ministry or any inspector, in any case where in the interests of the public health he or she thinks it expedient so to do, may make an order (“order”) for the removal of a person suffering from any infectious disease to a hospital or other place where such person may be effectually isolated.

(2) An order is to be made in a case where the Chief Executive Officer or such medical practitioner or inspectors is satisfied that the patient cannot without removal be effectually isolated or properly attended.

(3) An order may be executed by the Chief Executive Officer or such medical practitioner or inspector or by a person authorised in that behalf by the Chief Executive Officer or such medical practitioner or inspector, and may be executed by force if necessary.

(4) A person who wilfully disobeys an order or who obstructs or delays or in a way interferes with the prompt execution thereof commits an offence and is liable to a fine not exceeding 1 penalty unit.

**37. Offences in respect of infectious diseases** – (1) A person commits an offence and is liable to a fine not exceeding 1 penalty unit who:

- (a) while to the person’s own knowledge suffering from any infectious disease wilfully is in any public place without having taken proper precautions against the spread of infection; or
- (b) while in charge of a person suffering as aforesaid takes that person into or allows that person to be in a public place without having taken proper precautions against the spread of infection; or
- (c) while suffering as aforesaid enters any public conveyance, or while in charge of any person so suffering takes that person into any public conveyance, without in every such case notifying the driver or conductor of the fact; or
- (d) being the owner or driver or conductor of a public conveyance fails or neglects to disinfect the conveyance or cause the same to be disinfected



after it has to his or her knowledge been entered by a person suffering as aforesaid.

(2) If an offence under this section relates to a public conveyance, the convicting Court shall order the defendant (not being the owner) to pay to the owner of the conveyance the expenses incurred in disinfecting the same.

**38. Offences in respect of property exposed to infection –**

A person commits an offence and is liable to a fine not exceeding 1 penalty unit who:

- (a) lends, sells, transmits, or exposes any things which to his or her knowledge have been exposed to infection from any infectious disease, unless they have first been effectively disinfected or proper precautions have been taken against spreading the infection; or
- (b) lets for hire a dwelling or part of a dwelling in which there then is or within the previous 6 months has been, any person to his or her knowledge suffering from an infectious disease, unless the dwelling or part thereof as the case may be, and all things therein liable to infection, have been effectively disinfected to the satisfaction of the Chief Executive Officer, before the person hiring goes into occupation; or
- (c) when letting or negotiating to let to any person for hire any dwelling in which any person suffering from an infectious disease is then living, or any part of such dwelling, does not disclose the fact.

**39. Disinfecting of premises – (1)** When the Chief Executive Officer is of opinion that the cleansing or disinfecting of any premises or of any article is necessary for preventing the spread or limiting or eradicating the infection of any infectious disease or otherwise for preventing danger to health or for rendering premises fit for occupation, he or she may by notice in writing require the owner or occupier to cleanse or disinfect such premises or article within a time specified in the notice.

(2) If the owner or occupier fails to carry out any work within the time specified in the notice or in any other case where the Chief Executive Officer thinks fit to do so, the Chief Executive Officer may authorise any person he or she thinks fit with or

without assistants to enter on any premises and to carry out such disinfecting and cleansing, and the cost of such disinfection or cleansing is recoverable from the owner or occupier as a debt due to the Government.

**40. Power as to burials** – (1) If the body of any person who has died is in such a state as to be dangerous to health, the Chief Executive Officer or medical practitioner may order the body to be buried forthwith, or within a time limited in the order, and may if he or she thinks fit order the body, pending burial, to be removed to the nearest mortuary or other suitable place.

(2) A person who, in any way, prevents or obstructs the due and prompt execution of any order under this section or of any of the powers exercisable under this section is liable to a fine not exceeding 1 penalty unit.

## **PART 5 ABATTOIRS, BAKERIES, AND DAIRIES**

**41. Interpretation** – In this Part, unless the context otherwise requires:

“abattoir” means a place where animals are killed for the purpose of producing meat to be sold either solely or partly for human consumption;

“bakery” means a place where bread, cakes, buns, biscuits, pastry, or other similar goods to be sold either solely or partly for human consumption are prepared or baked;

“dairy” means a cowshed or other building or a place where cows are stalled or kept for the purpose of milking in order to produce from such cows either solely or partly for human consumption of milk, cream, or butter.

**42. Premises to be licensed** – The owner or occupier of a abattoir, bakery, or dairy shall procure annually from the Chief Executive Officer a licence to use the abattoir, bakery, or dairy.

**43. Condition precedent to issue** – A licence to use an abattoir, bakery, or dairy shall not be issued unless the prescribed fees are first paid and the Chief Executive Officer is satisfied that the premises sought to be licensed are capable of being used as an abattoir, bakery, or dairy without danger to the public health.

**44. Fees payable** – The fees payable for the issue of an abattoir, bakery, or dairy licence are to be prescribed.

**45. Duration of licence** – Save as hereinafter provided a licence issued under this Ordinance remains in force until the 31 March next after the date on which it was issued and then expires.

**46. Unlicensed premises not to be used** – No person shall use or permit to be used any abattoir, bakery, or dairy unless a licence to use the same as such has been issued under this Ordinance and remains in force.

**47. Offences** – (1) A person who uses an abattoir, bakery, or dairy or permits the same to be used in contravention of section 46 commits an offence and is liable to a fine not exceeding 1 penalty unit for every day or part of a day during which the offence continues.

(2) The owner, occupier, or manager of an abattoir, bakery, or dairy who fails to keep the same and all appliances used in connection therewith in a clean and sanitary state and condition commits an offence and is liable to a fine not exceeding 1 penalty unit.

**48. Closing orders** – If in the opinion of the Chief Executive Officer any shop, premises, or other place wherein any foodstuffs, food, or drink is sold or prepared or manufactured for sale either solely or partly for human consumption are not capable of being so used without danger to public health he or she may issue a closing order in respect of such shop, premises, or place and sections 14 to 18, *mutatis mutandis* apply to any such order.

**49. Offence** – A person being the owner or occupier of a shop, premises, or place in respect of which a closing order under section 48 is in force who carried on or permits to be carried on therein or any part thereof the business of selling or preparing or manufacturing for sale of food or drink solely or partly for human consumption commits an offence and is liable to a fine not exceeding 1 penalty unit for every day or part of a day during which the same shall continue.

**50. Administration of this Part may be transferred to other Ministry's** – Regulations may be made providing that the responsibility for the administration of the several matter provided for in this Part or any of them may be transferred from the Ministry of Health to any other Ministry or Instrument of the Government.

## **PART 6 MISCELLANEOUS**

**51. Power of entry and inspection** – For the purposes of this Ordinance, the Chief Executive Officer or any inspector or other person authorised in that behalf by the Chief Executive Officer may at all reasonable times enter any dwelling, building, land or premises and inspect the same, and may execute thereon any works authorised under this Ordinance.

**52. Obstruction of officers** – A person commits an offence and is liable to a fine not exceeding 1 penalty unit who obstructs, hinders, impedes, resists, or opposes a person in the execution of any powers conferred on him or her by this Ordinance.

**53. Service of documents** – (1) A notice, requisition, order, or other document required to be served on a person for the purposes of this Ordinance may be served by causing the same to be delivered to that person or to be left at his or her usual or last place of abode or business or to be sent by registered letter addressed to such usual or last known place of abode or business.

(2) If a notice, requisition, order, or other document as aforesaid is required to be served on the owner or occupier of any premises, and such owner or occupier or his or her place of abode or business is unknown, such document may be served by affixing the same on some conspicuous part of the premises.

(3) A notice, requisition, order, or other document served by post under subsection (1) is exempt from postage if the envelope is marked "Notice under the Health Ordinance".

**54. Interference by owner or occupier** – If in the performance of a duty imposed on him or her by this Ordinance, the owner of any premises is in any way obstructed or hindered by the occupier or the occupier by the owner, the one who

obstructs or hinders the other is liable to a fine not exceeding 1 penalty unit for each day on which he or she so obstructs or hinders.

**55. Medical examination of school children** – The Chief Executive Officer or a medical practitioner or other officer authorised in that behalf by the Minister may at all reasonable times enter any school and examine the children attending the school, and may notify the parents or guardians of any such child of any disease or bodily defect from which the child may be suffering.

**56. Committing or conspiring or attempting to commit offence** – A person who commits or attempts to commit or conspires to commit or incites or aids any other person to commit an offence against this Ordinance for which no penalty is specially provided elsewhere than in this section is liable for every such offence to a fine not exceeding 1 penalty unit and in the case of continuing offences to a further fine not exceeding 1 penalty unit for each day or part of a day during which such offence continues.

*57. Repealed by section 42(2) of the Food and Drugs Act 1967.*

**58. Regulations** – (1) The Head of State, acting by and with the advice of Cabinet, may make regulations providing for a matter arising under this Ordinance or a matter which in the Head of State's opinion may be necessary or expedient to carry this Ordinance into effect.

(2) Without limiting subsection (1), the power to make regulations includes the power to make regulations for the following:

- (a) providing for the payment of fees or charges for any inspection of any premises or other property, the examination of a plan or document, or the taking of a step or the doing of a matter authorised by this Ordinance or any regulations made thereunder, or in respect of medical or hospital treatment or maintenance or the supply of medicines;

- (b) defining who is taken to be residents of Samoa, and providing for the payment of fees or charges by them on a lower scale than for non-residents in respect of medical or hospital treatment or maintenance or the supply of medicines;
- (c) conferring on the Minister power to remit or reduce a fee or charge on the ground that the treatment, maintenance or medicines provided are for an infectious disease and are necessary in the interest of public health, or on the ground that neither the patient nor anyone liable for his or her maintenance is able to pay for the treatment, maintenance or medicines by reason of poverty, conditional in either case on a proper record being kept of all remissions and reductions and of the reasons therefor;
- (d) providing that a fee or charge for medical or hospital treatment or maintenance or the supply of medicines to any expatriate officer of the Public Service who is serving therein as a member of the New Zealand Volunteer Service Abroad Organisation or the United States of America Peace Corps or a similar organisation of any other foreign country shall not be payable by that officer or the organisation of which he or she is a member, but may be made payable by the Ministry in which that officer is serving;
- (e) conferring on the Chief Executive Officer power to fix a fee or charge up to a prescribed maximum where the service may vary according to the circumstances of the case;
- (f) providing as to the time and manner of payment of a fee or charge for medical or hospital treatment or maintenance or the supply of medicines;
- (g) providing as to the government and management of public hospitals and the patients therein or attending thereat, the admission and discharge of patients, the admission of visitors and the powers and duties of the staff;
- (g) prescribing fines not exceeding 2 penalty units for offences against a regulation made under the

Ordinance or any Ordinance, enactment, or regulation specified or referred to in Schedule 2;

- (h) further defining the functions of the Ministry, and adding to, amending, or deleting any enactment, regulation, or matter specified in Schedule 2;
- (i) adding to, amending, replacing, or revoking any regulations made under the provisions of this section or of any Ordinance mentioned in Schedule 2 or 3.

(3) The Minister may make and promulgate in such manner as the Minister may think fit, rules relating to a matter which is a function of the Ministry:

**PROVIDED THAT** no rules is to be made which are repugnant to any regulations made under this Ordinance, and on the making of a regulation, a rule inconsistent with such regulation is taken to be subject thereto.

(4) The Minister shall lay all such regulations made under this Ordinance before the Legislative Assembly within 28 days after the making thereof if the Assembly is then in session, and, if not, to lay such regulations before the Assembly within 28 days after the commencement of the next ensuing session.

*59. Repealed by the Ministry of Health Act 2006 (No. 19).*

**60. Repeal and savings** – (1) The Ordinances specified in Schedule 3 are repealed.

(2) As from the coming into force of this Ordinance, the Samoa Health Order 1921, NZ Gazette No. 17 of the 16th day of February 1921, page 479, and the Samoan Health Amendment Order 1929, NZ Gazette of the 2nd day of May 1929, page 1317, shall cease to be part of the law of Samoa.

(3) All Orders and regulations of Samoa made under the Samoa Health Order 1921 (NZ) and the Samoa Health Ordinance 1921, and being Board of Health Regulations Nos.1 to 16 (both inclusive) which are in force at the commencement of this Ordinance, shall continue in force as if made under this Ordinance.

(4) In all Ordinances, Regulations, Orders, and bylaws made before the commencement of this Ordinance, relating to matters which are functions of the Ministry, all administrative powers vested in the High Commissioner is taken to be vested in the

Minister, and all powers, functions, and duties of the Chief Medical Officer and the Medical Officer are powers, functions, and duties of the Chief Executive Officer.

## SCHEDULE

### SCHEDULE 1 (Section 2)

#### INFECTIOUS DISEASES

- PART 1:**
- Cholera
  - Plague
  - Relapsing fever (epidemic louse-borne)
  - Small pox
  - Typhus (epidemic louse-borne)
  - Yellow fever
- PART 2:**
- Acute anterior poliomyelitis
  - Anthrax
  - Cerebro-spinal meningitis (meaning gonococcal)
  - Chickenpox (Varicella)
  - Coronavirus
  - Dengue
  - Diphtheria
  - Dysentery:           Amoebic
  - Bacillary (Shigellosis)
  - Other types
  - Encephalitis
  - Enteric fevers (Typhoid fever, Paratyphoid fever)
  - German measles (Rubella)
  - Infantile diarrhoea
  - Infective hepatitis
  - Influenza
  - Leprosy
  - Leptospirosis
  - Measles (Rubeola or Morbilli)
  - Mumps
  - Ophthalmia neonatorum (gonococcal)
  - Psittacosis (Ornithosis)
  - Puerperal fever
  - Scarlet fever



Tetanus  
Tuberculosis: Syphilis  
Other sites  
Typhus (flee borne)  
Typhus (mite borne)  
Undulant fever (Brucellosis)  
Venereal diseases: Gonorrhoea  
Syphilis  
Other types  
Whooping cough (Pertussis)  
Yaws (Framboesia)

This Schedule was substituted for the original Schedule 1 by section 2 of the Health Amendment Act 1969.

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**REVISION NOTES 2008 – 2019**

This is the official version of this Ordinance as at 31 December 2019.

This Ordinance has been revised by the Legislative Drafting Division from 2008 to 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to up-date references to offices, officers and statutes.
- (b) Insertion of the commencement date
- (c) References to the male gender made gender neutral (“workmen” changed to “workers”)
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
  - (i) “Every” and “any” changed to “a” or “each” where appropriate
  - (ii) Present tense drafting style: where appropriate
    - “shall be” and “has been” changed to “is/are”
    - “shall be deemed” changed to “is/are taken”
    - “shall have” changed to “has”
    - “it shall be the duty” changed to “shall”
    - “forthwith” removed
    - “hereby” and “from time to time” removed
  - (iii) Offence provisions: “is guilty of” changed to “commits”
  - (iv) Removal/replacement of obsolete and archaic terms with plain language: “notwithstanding” changed to “despite”
  - (v) Numbers in words changed to figures
  - (vi) Removal of superfluous terms: “hereinafter”
  - (vii) “etc.” deleted and provided complete sentences

- (viii) Arrangement of provisions made consistent with the text.
- (ix) Part numbering changed to decimal

Note: Schedule 2 (which provides enactments and matters administered by the Ministry of Health) has been deleted because section 3 of the Act (the empowering provision for Schedule 2) was repealed by the *Ministry of Health Act 2006*. Further, the heading “Schedules” is changed to “Schedule” since there is only a Schedule 1.

The following amendment was made to this Ordinance since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

*By Notice signed by the Honourable Minister for Health to declare “Coronavirus” as an infectious disease and published on the Government of Samoa (Facebook Website) on 29 January 2020 under the Schedule:*

**Schedule:** Inserted “Coronavirus” after “Chickenpox (Varicella)” in Part 2 of the Schedule.



Lemalu Hermann P. Retzlaff  
Attorney General of Samoa

*This Ordinance is administered by  
the Ministry of Health*

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