

HIGH COMMISSIONER'S NOTICE No. 116 of 1934.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to approve of the subjoined regulations made by the Resident Commissioner of the Bechuanaland Protectorate under the provisions of section *two* of the Public Health (Bechuanaland Protectorate) Proclamation, 1924 (No. 12 of 1924).

By Command of His Excellency
the High Commissioner.

SHIRLEY EALES,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 28th August, 1934.

BECHUANALAND PROTECTORATE SANITARY
REGULATIONS.

1. In these regulations unless the context otherwise requires—

- (1) "magistrate" shall mean the officer lawfully appointed as such to any district in the Territory and shall include an acting resident magistrate, assistant resident magistrate, or acting assistant resident magistrate;
- (2) "local authority" in the absence of a Town Council or Village Management Board shall mean the magistrate;
- (3) "medical officer" shall mean a Government medical officer or such other registered medical practitioner as may be appointed by the Resident Commissioner as medical officer of an area to which the provisions of these regulations apply;
- (4) "police officer" shall mean any European police officer or non-commissioned officer of the Bechuanaland Protectorate Police;
- (5) "sanitary inspector" shall mean any officer from time to time duly appointed by the local authority to carry out the duties assigned to him by these regulations;
- (6) "premises" shall mean and include any land, building, room, structure, tent, van, vehicle, well, borehole, stream, lake, dam, pool, drain, ditch, or place covered or enclosed, whether built or not and whether public or private;
- (7) "dwelling" shall mean any house, room, shed, hut, cave, tent, or vehicle, 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;
- (8) "owner" shall in relation to premises include any person receiving the rents or profits of such premises from any tenant or occupier thereof or who would receive such rents or profits if such premises were let whether on his account or as agent from any person entitled thereto or interested therein, and shall in relation to any animal include the person in charge or possession of such animal;
- (9) "occupier" shall include any person in actual occupation of premises without regard to the title under which he occupies and, in the case of premises sub-divided and let to lodgers or various tenants, the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein;
- (10) "street" shall include any public street, road, square, thoroughfare or public place;
- (11) "native" shall mean any aboriginal native belonging to any tribe of Africa, and shall include persons of mixed race living as members of any native community, tribe, kraal or location in the Territory.

2. The occupier of any premises, or in the case of unoccupied premises the owner thereof, shall remove or cause to be removed therefrom all dirt and rubbish to such place or places as may be pointed out to him by the sanitary inspector thereof. No dirt or rubbish shall be thrown on any street or public place. All dirt or rubbish on, or abutting on, any premises, if not removed within reasonable time after warning by the sanitary inspector, may be removed by him at the cost of the occupier or, in the case of unoccupied premises, at the cost of the owner; and the occupier or the owner, as the case may be, shall be liable to pay such costs in addition to any fine imposed on him for contravention of this regulation.

3. No person shall relieve nature within the prescribed limits of any area to which these regulations apply except in places set apart for that purpose by the local authority.

4. The local authority may establish and carry out a sanitary service for the suitable disposal of excreta or of refuse in a manner that shall be agreed upon by consultation between such authority and a medical officer.

5. Under all circumstances the sanitary services for any area to which these regulations apply shall provide for the disposal of "night soil" by means of suitably placed latrines either in the form of deep pit latrines or in the form of earth closets, and the latter shall be supplied with suitable receptacles which shall be emptied as frequently as may be deemed necessary by the local authority in consultation with the medical officer but not less frequently than once a week.

6. The costs in respect of such services shall be borne collectively by the owners and/or occupiers of the premises in the area in question. The method in which the charges for these services will be levied by local authorities shall be submitted by the resident magistrate of the district to the Resident Commissioner for his authority and approval in terms of section two of the Public Health (Bechuanaland Protectorate Proclamation No. 12 of 1924, prior to their being put into force.

7. Within any area to which these regulations apply no pit latrines shall be established at a less distance than one hundred yards or such other distance prescribed by the medical officer from any well or borehole. No one shall commit a nuisance within one hundred yards of a well or borehole.

8. The owner of every animal dying within any area to which these regulations apply shall remove and suitably dispose of the carcass outside such area. Any owner failing to remove such carcass within twelve hours of the death shall be guilty of contravening this regulation and shall in addition to any fine imposed for such contravention be liable to pay any costs of removal incurred thereafter by the local authority.

9. If in the opinion of the medical officer any dwelling or premises be occupied by more persons than is fit and proper it shall be lawful for the local authority on the recommendation of the medical officer to give twenty-four hours' notice to the owner or occupier of such dwelling or premises directing him to reduce the number of such persons to a less number to be specified by the medical officer, and failing compliance with such order the owner or occupier to whom such notice has been given shall be guilty of a contravention of this regulation.

10. If any premises shall be found to be in an insanitary condition or if any nuisance shall be found to exist on any premises, the local authority may order the owner or occupier thereof to remedy such condition or to abate such nuisance within a reasonable specified time, and if at the expiration of such time such condition shall not have been remedied or such nuisance abated, the person in default shall be guilty of a contravention of this regulation, and the local authority or sanitary inspector may cause the same to be done at the cost

of such person, who shall in addition be liable to a fine imposed upon him for such contravention, provided that where any work of a structural character is required to be done under this regulation the order shall be made on the owner.

11. Animals shall not be slaughtered except at places set apart for that purpose by the local authority. All slaughter poles and butchers' wagons and carts intended for the conveyance of meat shall be kept clean by the persons using the same, and maintained and used under such conditions as may be prescribed in writing by the medical officer. Any person contravening this regulation or failing to observe such prescribed conditions shall be guilty of a contravention of this regulation.

12. No person shall store or expose for sale, or allow to be stored or exposed for sale, fresh meat, fresh or salted fish, dairy produce, fruit, vegetable or other produce of a like nature, in any room used as a living room or sleeping room, or which, in the opinion of the medical officer, is not suitably constructed or is not kept in a sanitary condition.

13. All hotels, boarding-houses, factories, shops, workshops or work places shall be kept in a cleanly state and free from any smells, effuvia or waste arising from drain, closet or other possible source of nuisance, and any order given in writing by the local authority at the request of the medical officer to remedy such nuisance shall be carried out according to his instructions. If such order be not carried out within a reasonable time after receiving such instructions in writing, the local authority or sanitary inspector may carry out such instructions at the expense of the owner or occupier of such premises.

14. No person shall sell, or offer for sale, any meat, fish, dairy produce, vegetables, fruit or other article of food, liquid or solid, which is unfit for human consumption. It shall be lawful for the sanitary inspector or any police officer immediately to detain or seize any such article which is in his opinion unfit for human consumption. He shall without loss of time report such detention or seizure to the medical officer, who shall, upon being satisfied that the article detained or seized is unfit for human consumption, cause the same to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man. Any person failing to observe the terms of any order made under the provisions of this regulation shall be guilty of an offence.

15. No person shall pollute or, without the permission of the local authority, interfere with any water supplies for human consumption or in any way interfere with or damage the channels of distribution of such.

16. It shall not be lawful to bury the body of any deceased person in any area to which these regulations apply other than at places specially set apart for the purpose by the local authority in consultation with the medical officer.

17. Under any circumstances where a medical officer shall notice, or have brought to his notice, any conditions of an insanitary nature in any area in his district to which these regulations apply he shall report the fact to the local authority advising the latter as to the best means of remedying the condition. Should the sanitary inspector fail or refuse to carry out the advice of the medical officer such failure or refusal shall be reported to the Resident Magistrate of the district.

18. In any area to which these regulations apply it shall be lawful for the local authority—

- (a) to remove or cause the owner or occupier of premises to remove from his premises such bushes, shrubs or undergrowth as in the opinion of the medical officer may impair or tend to impair the health of the community, by harbouring mosquitoes, reptiles or rodents.

- (b) to take such measures, or cause the owner or occupier of premises to take such measures, as in the opinion of the medical officer may be necessary to prevent the breeding of mosquitoes.
- (c) to remove, or cause the owner of premises to remove any building, house, wall or similar structure which has fallen into disuse through disrepair and in the opinion of the local authority may be considered to be a danger to the public or a harbour for refuse, litter or other insanitary matter. In the event of any owner or occupier failing to carry out the instructions of the said local authority after a reasonable time the work may be carried out by the latter at the expense of the owner or occupier.

19. In the case of a native tribal village the provisions of these regulations shall apply only to the immediate precincts of such premises as are owned, occupied or rented by persons other than natives, and shall include any shop, boarding-house, butchery or dairy that may be owned by or operated by a native within the prescribed area.

20. Any person who shall contravene or aid or abet the contravention of any of these regulations or of any order issued thereunder or who shall wilfully obstruct or resist the lawful exercise of any of the powers conferred thereby shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

21. These regulations shall apply within the following areas:—

Lobatsi: Within a radius of one mile from the Post Office.

Gaberones: (a) Within a radius of one mile from the Court-house.

(b) Within a radius of one mile from the Railway Station.

Mahalapye: Within a radius of one mile from the Post Office.

Palapye Road: Within a radius of one mile from the Railway Station.

Francistown: Within a radius of two miles from the Railway Station.