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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1771/23 - 2012 අගෝස්තු මස 16 වැනි බ්‍රහස්පතින්දා - 2012.08.16

No. 1771/23 - THURSDAY AUGUST 16, 2012

(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Statute of Preventing Public Health Nuisances, No. 03 of 2012

I, Angage Jagath Thilakasiri Perera, Hon. Minister of Health, Indigenous Medicine, Social Welfare & Women Affairs, Probation & Childcare and Council Affairs of Western Province Provincial Council do hereby impose following regulations which should be read along with Clause 21 of the Statute of Preventing Public Health Nuisances, No. 03 of 2012. These regulations shall come into effect from the date on which they are published on the *Gazette*.

ANGAGE JAGATH TILAKASIRI PERERA,
Hon. Minister of Health, Indigenous Medicine,
Social Welfare & Women Affairs, Probation & Childcare and Council Affairs.

Ministry of Health, Indigenous Medicine, Social Welfare
& Women Affairs Probation & Childcare and Council Affairs,
Independence Square,
Colombo 07.
14th August 2012

RULES

1. The rules shall be cited as the Rules of Preventing Public Health Nuisances, No. 03 of 2012
2. The officers mentioned below who are nominated under Clause 26 of this Statute, shall be appointed as the authorized officers under this statute and they shall perform the duties and tasks subject to the supervision of the competent authority :
 - (a) Colombo, Gampaha, and Kalutara Regional Directors of Health Service of the Provincial Department of Health Services in the Western Province.
 - (b) Medical Officers of Health.
 - (c) Chief Medical Officers of Health, Additional Medical officers of Health and all other Medical Officers of Health serving in Municipal Councils.

- (d) Provincial Administrative Public Health Inspector.
 - (e) District Administrative Public Health Inspectors.
 - (f) Administrative Public Health Inspectors attached to offices of the Medical Officer of Health.
 - (g) All field Public Health Inspectors serving under Department of Health Services in the Western Province.
 - (h) Public Health Inspectors including Chief Public Health Inspectors attached to Local Government Institutions of the Western Province.
3. (1) A card should be introduced to every premises with the name of "Premises Card for Preventing Public Health Nuisances" in accordance with the format indicated in Schedule 1, to be used by the —competent authority or a representative of the competent authority who enters any premises as per Clause 15 of this Statute, to inspect any nuisance or nuisances mentioning his entering into the premises or the inspection he conducts.
 - (2) The said card shall be numbered in accordance with the number of the household given by the voters' register. If any household has not received such a number, the card shall be issued under a temporary number.
 - (3) The owner/ occupant or caretaker of the premises shall be bound to ensure the safe custody of the card, to submit it when requested by the competent authority or a representative of the competent authority or any authorized officer and to respect the orders imposed by the card.
 - (4) The card shall not be misplaced, disfigured or destroyed and legal actions shall be taken against any owner/ occupant or caretakers who do so.
4. The format of the paper containing the amount of the spot fine which is imposed by the authorized officer to the owner/ occupant or caretaker of the premises with his/her consent, in any case where the competent authority or authorized officer identifies that the orders of the Sub Clause (1) of Clause 5 of this statute are violated by keeping open tins, bottles, boxes, coconut shells, coconut husks, tire or any other material or vessel containing water with mosquito larvae, shall be in line with the format indicated in Schedule 2. The said format shall be perfected in three copies and the original and second copies shall be handed over to the person who is responsible for the offence. The third copy shall be kept under the custody of the authorized officer and the person who is responsible for the offence shall submit the second copy to the relevant Divisional Secretariat to pay the relevant fine.
 5. The notice to be issued to the owner/occupant or caretaker by the competent authority or authorized officer under Clause 4(1) of this Statute where an offence is revealed violating Clause 2 of this statute, shall be in line with the format indicated in Schedule 3. This format shall be completed in two copies and the first copy shall be handed over to the person who is responsible for the offence. The second copy shall be kept in the custody of the authorized officer.
 6. The notice to be issued to the owner/occupant or caretaker by the competent authority or authorized officer under Clause 7 of this Statute where an offence is revealed violating Clause 5 of this statute, shall be in line with the format indicated in Schedule 4. This format shall be completed in two copies and the first copy shall be given to the person who is responsible for the offence. The second copy shall be kept in the custody of the authorized officer.
 7. The spot fine mentioned in Sub Clause 6(1) of this Statute shall be Rs.2000/-. This amount can be revised on timely requirements.

8. (1) An amount which does not exceed 25% of the fine recovered from a person after making guilty by a court on an offence fallen under this statute can be awarded to the authorized officer who takes action to prove the offence committed by the person.
- (2) An amount equivalent to 10% of the spot fine indicated in Sub Clause 1, Clause 6 of this Statute can be awarded to the officer who takes action to prove the offence committed by the person.
- (3) The incentive from the spot fine shall be paid to the relevant officer by the Divisional Secretariat of the Divisional Secretary's Division where the relevant premises are situated.
9. (1) At the instances where an owner, occupant, caretaker of a certain premises or any authority of an institution indicated under Sub Clause 14 (1), to whom a written notice has been issued under Clauses 4 and 7 of this statute, neglects to follow the orders issued, an institution or company shall be entrusted to take actions or make orders to remove the nuisance after determining either by the competent authority or authorized officer that the public health nuisance at a certain premises shall be removed as per Sub Clause 1 of Section 9.
- (2) The fee for the removal of public health nuisance to be paid to a person institution or company to whom the tasks to be performed at a certain premises are entrusted, shall be in accordance with the fee indicated in Schedule 5. Such amount of fees shall be revised from time to time by the competent authority in accordance with the market value.
- (3) Any expense borne by a person institution or company for the removal of public health nuisance, to whom such tasks or steps are entrusted with regard to a certain premises shall be paid by the competent authority to such person institution or company after making proper estimate on the task or the step performed by the above mentioned parties.
- (4) The amount borne by the competent authority for the removal of public health nuisance revealed at the premises shall be paid to the competent authority by the owner/occupant or caretaker of the premises. The specimen of the certificate containing the fee to be paid, which is prepared either by the competent authority or officer authorized by the competent authority shall be in accordance with the specimen attached in Schedule 6. The said specimen shall be prepared by the officer who is concerned to remove public health nuisance.
10. The specimen of the certificate prepared by the competent authority for the submission of particulars of the fine ordered under sub clause 9 (2) of the Statute to the courts under Sub Clause 9 (3) shall be in accordance with the specimen attached in Schedule 7

PUBLIC HEALTH NUISANCES

1. Discharging waste water into a public waterway.
2. Throwing garbage into drains or road or keeping garbage bins which are not well covered at public places.
3. Washing vehicles in such a manner that it makes a road, street, foot path untidy.
4. Causing animals to pass faeces on any entry road or public places.
5. Keeping any premises unclean, allowing waste water or toilet waste to overflow or leak and allowing stagnated water to stagnate further.
6. Keeping loathsome drains that emits bad smell.
7. Rearing cattle, goats and swine in such a manner that is a nuisance to public health.
8. Leaving a building parapet wall in a dilapidated state.
9. Keeping factory in such a manner that it is detrimental to public health
10. Keeping any article, material or liquid in such a manner that it is detrimental to health

SCHEDULE 2

W.P. Health 2

Statute of preventing Public Health Nuisances of Western Province No. 03 of 2012
Office of Director, Provincial Health Services
Western Province

Imposing a spot fine instead of making charges before Magistrate Court as per sub clause 1, clause 6 of Statute of preventing Public Health Nuisances of Western Province No. 03 of 2012.

Date on which the offence was revealed :
The said location :
Nature of the offence :
The person responsible for the offence :
Residential address :
The fine that should be paid :

I/ we admit the nature of the above mentioned offence and agree that I/ we pay the fine to Divisional Secretariat of within 10 days of receiving this notice and submit the relevant receipt to the Office of Director, Provincial Health Services of

Date :

.....
Signature of the person responsible for the offence

Action shall be taken to file legal action without further notice, if the fine is not paid or ignored within 10 days of receiving this notice.

.....
Authorized Officer

Witness :-

Name :
Designation :
Official Address :
Date :

N.B. – This format shall be perfected in 03 copies, the original and second copy shall be handed to the person who is responsible for the offence and the third copy shall be kept in the custody of the authorized officer. The person who is responsible for the offence shall submit the second copy to the relevant Divisional Secretariat in order to pay the relevant fine.

SCHEDULE 3

W.P. Health 3

My Number :-
(Name) :-
Public Health Inspector/ Medical Officer of Health
(Field)
..... (Date)

(Name of the offender)
(Address of the offender)

Notice as per the Statute of preventing Public Health Nuisances of Western Province No. 03 of 2012.
(Under clauses 2 and 4 (1))

It has been revealed at the inspection carried out by me on that
(The offence committed) at (The place where the offence was
committed) which you own/ where you reside/ which is under your custody/ where you run your business is a hindrance to
public health.

Since, you have committed an offence as per clause/s 2 () () () of clauses imposed for prevention of public health
nuisances of Statute of preventing Public Health Nuisances of Western Province No. 03 of 2012 that has been passed by the
Western Provincial Council of Democratic Socialist Republic of Sri Lanka, you are hereby ordered as per clause 4 (1) of
Statute of preventing Public Health Nuisances to rectify the offence within days of receiving this notice and inform
the Medical Officer of Health/ Public health Inspector of the division where the office was committed.

You are further informed that legal action shall be taken against you without any notice, if you ignore this notice and
further you shall be subjected to a fine not less than Rs. 3000/- and not more than Rs. 25,000/- or an imprisonment for a period
not more than 06 months or both.

Order of rectification:-

.....
.....
.....

.....
Competent Authority/ Authorized Officer

Authorized Officer

I, residing at the above address hereby certify that I have received the notice of W.P. Health 3.

.....
Owner/ Resident/ Caretaker
(Cross off the inappropriate words and place the initial of the Authorized Officer)

N.B. – This format shall be perfected in 02 copies and the original shall be given to the person who is responsible for the
offence. The second copy shall be kept in the custody of the authorized officer.

SCHEDULE 4

W.P. Health 4

My Number :-
(Name) :-
Public Health Inspector/ Medical Officer of Health
(Field)
..... (Date)

(Name of the offender)
(Address of the offender)

Notice as per the Statute of preventing Public Health Nuisances of Western Province No. 03 of 2012.
(Under clauses 5 and 7)

It has been revealed at my inspection carried out on that due to
.....(The offence committed) at(The
place where the offence was committed) which you own/ where you reside/ which is under your custody/ where you run your
business is congenial for breeding of mosquitoes.

Since, you have committed an offence as per clause/s 5 () () () of clauses imposed for prevention of public health
nuisances of Statute of preventing Public Health Nuisances of Western Province No. 03 of 2012 that has been passed by the
Western Provincial Council of Democratic Socialist Republic of Sri Lanka, you are hereby ordered as per clause 7 of Statute
of preventing Public Health Nuisances to rectify the offence within days of receiving this notice and inform the
Medical Officer of Health/ Public health Inspector of the division where the office was committed.

You are further informed that legal action shall be taken against you without any notice, if you ignore this notice and
you shall be subjected to a fine not less than Rs. 3000/- and not more than Rs. 25,000/- or an imprisonment for a period not
more than 06 months or both.

Order of rectification :-

.....
.....
.....

.....
Competent Authority/ Authorized Officer.

Authorized Officer

I, residing at the above address hereby certify that I have received the notice
of W.P. Health 4.

.....
Owner/ Resident/ Caretaker
(Cross off the inappropriate words and place the initial of the Authorized Officer)

N.B. – This format shall be perfected in 02 copies and the original shall be given to the person who is responsible for the
offence. The second copy shall be kept in the custody of the authorized officer.

SCHEDULE 5

Fees that shall be paid by the owner or caretaker of the premises for removing and repairing of items which can be congenial for breeding of mosquitoes.

	<i>Activity or activities to be performed</i>	<i>Number of units</i>	<i>Minimum fee</i>	<i>Maximum fee</i>
1	Tins, bottles, tyres, coconut husks, boxes, coconut shells or any other item.	Up to a load of ½ of hand tractor trailer. From a load of ½ of hand tractor trailer to a full load of hand tractor trailer Full load of hand tractor trailer or more	Rs. 1,000 Rs. 2,000 Rs. 5,000	Rs. 5,000 Rs. 10,000 Rs. 25,000
2	Prevention of water being gathered in such a manner that it is congenial for breeding of mosquitoes.	For 1 Perch	Rs. 2,500	Rs. 25,000
3	Ensuring smooth flowing of water removing obstructions in a gutter, moat and pipe line	For a distance of 1 meter	Rs. 1,000	Rs. 25,000
4(a)	Closing a well, pond or tank that is filled with water and is dilapidated or a pit filled with water.	For 1 Cubic Meter	Rs. 1,000	Rs. According to the quantity
4(b)	Demolishing any construction such as a tank	Up to a load of ½ of hand tractor trailer. From a load of ½ of hand tractor trailer to a full load of hand tractor trailer Full load of hand tractor trailer or more	Rs. 2,500 Rs. 5,000 Rs. 10,000	Rs. 7,500 Rs. 15,000 Rs. 20,000

SCHEDULE 6

W.P. Health 5

My No:-
Office:-
Address:-
Date:-

(Name of the Offender)
(Address of the Offender)

Certificate of expenditure issued for the tasks performed by the competent authority or authorized officer subject to Clause 9 of the Statute of Preventing Public Health Nuisances No 03 of 2012

Since you have ignored the order made subject to Clause 4 or 7 of Statute of Preventing Public Health Nuisances No 03 of 2012, the orders and steps mentioned in the notice were get performed by (name of the institution or company) appointed by the competent authority and you are hereby informed to pay the below mentioned expenditure incurred in the performance of the said orders and steps within 14 days to the Divisional Secretary and to submit the receipt thus obtained to the Medical Officer of Health (Division of M.O.H.). You are further informed that in case of ignoring the payment of the expenditure, a lawsuit shall be filed in the magistrate court subject to sub clause 9 (3) and the said amount of money and an additional fine of 50% of the due amount shall be charged.

<i>Task performed</i>	<i>Number of Units</i>	<i>Fees</i>	<i>Surcharge</i>	<i>Total</i>
Total				

.....
 Competent authority/ Authorized Officer.

SCHEDULE 7

W.P. Health 6

Magistrate,
 Magistrate Court ,

Certificate of the amount of money to be paid by the occupant/owner/caretaker for the expenditure incurred to the competent authority or authorized officer for removing the nuisance as per the Statute of Preventing Public Health Nuisances No. 03 of 2012.

The voucher for the prescribed amount of money and surcharge for not performing the step/steps mentioned in the notice issued on of 20..... by me, competent authority / authorized officer under clauses 4 and 7 of the Statute of Preventing Public Health Nuisances No 03 of 2012, is mentioned below.

<i>Task performed</i>	<i>Number of Units</i>	<i>Fees</i>	<i>Surcharge</i>	<i>Total</i>
Total				

.....
 Competent authority/ Authorized Officer.

Date:-

I received the certificate of expenditure on

.....
 Owner/Occupant/Caretaker.