

20. The following words and expressions in this Ordinance shall have the meaning hereby assigned to them unless there be something in the subject or context repugnant thereto:—

Interpretation
clause.

“Lunatic” shall mean every person of unsound mind and every person being an idiot.

“Gaol” shall mean any place within the walls of the gaol or gaol yard which may be set apart for the custody of lunatics.

“Officer” shall mean any police constable or special constable.

“Medical practitioner” shall mean a medical practitioner duly registered under the Medical Act, 1858, the Acts amending the same and the Medical Act, 1886, of the Imperial Parliament.

“Governor” shall mean the officer administering the Government of the Falkland Islands for the time being.

21. This Ordinance may be cited as “The Lunacy Ordinance, 1894.”

Short title.

PUBLIC HEALTH.

Ordinance No. 5 of 1894.

As amended by No. 4 of 1897.

[11th August, 1894.]

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows:—

1. There shall be a Board of Health for the East Falkland Island composed of the following members:—

Constitution of
Board.

The Colonial Surgeon, who shall be President of the Board; the Colonial Secretary, and

such other members not exceeding five as shall be appointed annually by the Governor in Council, and it shall be lawful for the Governor from time to time to fill up any vacancy or vacancies which may occur during any year on the said Board.

Meetings.

2. The Board shall meet from time to time as may be necessary by order of the Governor, or on a summons from the President, or in his absence the senior member present in Stanley.

Quorum.

3. At all meetings of the Board four members shall form a quorum for the transaction of business, and in the absence of the President the senior member present shall preside, seniority being determined by the date and order of appointment as published in the Government *Gazette*.

Minutes of Board.

4. Minutes of the proceedings of the Board shall be entered in a book kept for the purpose by the President, and a copy of the minutes shall be forwarded as soon as practicable to the Governor of the Colony.

Powers of Board to prevent injury to health by polluted water.

5. If it shall be represented to the Board of Health, either by one of their own officers or by any other person, that the water in any well, tank, pump or cistern used or likely to be used for any drinking purposes or for manufacturing drinks, or for domestic purposes, is so polluted as to be injurious to health, it shall be lawful for the Board to cause such water to be tested or analysed, and if necessary to direct the said well, tank, pump or cistern to be temporarily or permanently closed, or the water to be used for certain purposes only, or to make such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water :

Provided that no public fountain, reservoir or well shall be closed without the sanction of the Governor, to whom the Board shall make such report upon its condition as may be necessary.

6. Any person failing to comply with an order made under the above section shall be liable to a penalty not exceeding five pounds, and should he still fail to comply with the order, it shall be lawful for the Board to do whatever may be necessary for the execution of that order and to recover any expenses incurred in so doing from the person on whom the order was made.

Penalty.

7. The Governor is hereby empowered from time to time to appoint an Inspector or Inspectors of Nuisances to carry out the provisions of this Ordinance at such salary or salaries as may be determined by the Governor in Council, and it shall be the duty of any Inspector so appointed to ascertain what nuisances exist calling for abatement, and any Inspector of Nuisances may and is hereby empowered to enter any building, house, or premises for the purposes of inspection.

Governor to appoint inspectors.

Inspector may enter premises.

8. The following shall for the purpose of this Ordinance be deemed to be nuisances :—

What are nuisances.

Any building, house, yard or premises in or about which any deposit or collection, fluid or otherwise, so foul or in such a state as to be injurious to health, shall be allowed to remain.

Any pool, ditch, gutter, watercourse, pig-stye, stable, cowhouse, sheep or goat pen, fowl-house, poultry yard, privy, urinal, cesspool, drain, ashpit or dung heap, so foul or in such a state as to be injurious to health.

Any animal so kept as to be a nuisance or injurious to health.

Any house so overcrowded with residents as to be injurious to the health of the inmates.

Any accumulation or deposit, fluid or otherwise, so foul or in such a state as to be injurious to health.

Any factory, workshop or other place not kept in a clean and perfectly sanitary condition.

9. It shall be lawful for the Board of Health to make by-laws for regulating the duties of Inspectors of Nuisances in like manner as the by-laws

By-laws for regulating Inspector of Nuisances duties.

hereinafter mentioned, and any person wilfully obstructing any Inspector of Nuisances in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Proceedings by
Board on com-
plaint of
existence of a
nuisance.

10. On receipt of information from an Inspector of Nuisances or any two inhabitant freeholders of any nuisance, the Board of Health shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance continues, or if such person cannot be found on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time specified in such notice, and to execute such works and do such things as may be necessary for the purpose :

Provided that where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner, and where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or occupier of the premises, the Board may themselves abate the same without further order.

Agent con-
sidered as
owner for
service.

11. In the event of the owner of any premises being absent from the Colony, the agent or the person entitled to receive on the owner's behalf the rents for the same shall be considered for all the purposes of this Ordinance as the owner.

Proceedings in
case of a
nuisance in
absence of
owner or agent.

12. Should any house or building complained of as being unfit for human habitation and a nuisance be unoccupied and the owner be absent from the Colony without leaving any known agent, the Board shall report the matter to a Court of Summary Jurisdiction, and upon satisfactory proof being afforded to the said Court that the removal or demolition of the said premises or any part thereof is necessary, the Court is hereby empowered to issue orders to the Board of Health for the removal or demolition of the said premises or such part thereof as may be necessary, and the Board shall immediately carry such orders into effect.

13. If the person on whom a notice to abate a nuisance has been served makes default in complying with such notice, the Board shall cause a complaint to be made before a Justice of the Peace, and such Justice shall thereupon issue a summons requiring such person to appear before a Court of Summary Jurisdiction.

Proceedings on default in complying with order of Board.

14. If the Court is satisfied that the nuisance exists, it shall make an order on such person requiring him to comply with all or any of the requisitions of the notice or otherwise abate the nuisance within a specified time. The Court may also impose a penalty not exceeding five pounds on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of hearing or making the order. Any person not obeying the order of the Court shall, if he fails to satisfy the Court that he has used all diligence to carry out such order, be liable to a penalty not exceeding five shillings per day during his default, and the Board of Health may abate the nuisance and recover the expenses of so doing from the defaulting party.

Order of Court thereon.

Penalty.

15. Where the nuisance proved to exist is such as to render a house or building in the judgment of the Court unfit for human habitation, the Court may prohibit the using thereof for that purpose until in its judgment the house or building is rendered fit for human habitation, and on the Court being satisfied that it has been rendered fit for that purpose the Court may determine its previous order by another declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

Order of Court when place unfit for habitation.

16. Any Inspector of Nuisances shall have power to enter any market-place, wharf, shop, yard or building used for the sale of butcher's meat, and also to enter into any slaughter-house and examine any animal, carcase, meat or flesh intended for the food of man, and if it shall appear that the same is unfit for food it shall be seized and the matter at once reported to a Justice of the Peace, and if it

Inspector of Nuisances empowered to enter butcher's shop or market and seize unsound meat.

appears to the said Justice that any such animal or any of the said articles are unsound or unfit for the food of man he shall order the same to be destroyed, and the person to whom the same belongs or in whose possession or on whose premises the same was found shall be liable, on conviction before two Justices of the Peace or the Police Magistrate of the Colony, to a penalty not exceeding ten pounds for every such offence.

Powers of Board to order lots in Stanley to be fenced when necessary for preservation of health.

17. The Board of Health shall have power, whenever the Board shall deem it necessary for the preservation of the public health so to do, to require by written notice the owner or agent of the owner of any lot of land in the town of Stanley to properly fence to the satisfaction of the said Board any such lot within a specified time, and if any owner being so required shall refuse or neglect to carry out the requirements of the notice, the Board shall cause a complaint to be made before a Justice of the Peace, who shall thereupon issue a summons requiring the person on whom the notice was served to appear before a Court of Summary Jurisdiction, which Court shall make an order on such person directing him to comply with all or any of the requisitions of the notice within a specified time. The Court may also impose a penalty not exceeding five pounds on the person on whom the order is made, and any person disobeying such order of the Court shall, if he fails to satisfy the Court that he has used all diligence to carry out such order, be liable to a penalty not exceeding five shillings per day during his default. In the case of fences common to the lands of two or more owners, it shall be lawful for the person who erects the fence, under the authority of this section, to recover a moiety of the expense of erection from the adjoining owner or owners.

Powers of Board to make by-laws in certain matters.

18. The Board of Health may make by-laws and from time to time amend or rescind by-laws so made with respect to the following matters :—

- (i) The level, width and construction of new streets and the cleaning, drainage or sewerage thereof.

(ii) The structure of new buildings in any town or settlement, and the drainage, water closets, earth closets, urinals, privies, ashpits and cesspools to be provided in the erection of such buildings.

(iii) The protection of water, the cleansing of watercourses, drains, ditches, streets, lanes and roads and the removal of noxious matter therefrom.

(iv) The keeping of animals in or near a dwelling-house so as to prevent their becoming a nuisance or injurious to health.

(v) The checking and preventing the spread of any contagious or infectious disease.

(vi) The carrying on of any offensive trade in any town or settlement so as to prevent or diminish the causes or injurious effects thereof.

(vii) The abatement or removal of nuisances.

(viii) The proper regulation of markets and slaughter-houses.

(ix) The keeping of burial grounds and the proper interment of the dead.

(x) The cleaning and keeping clean of lots of land, whether adjoining dwelling-houses or not.

(xi) The cleansing and disinfecting of houses and buildings.

(xii) The inspection, drainage, accommodation and cleansing of common lodging-houses.

(xiii) The inspection of shipping in the harbour of Stanley and the cleansing and disinfecting of the same.

(xiv) The protection of drains from injuries by cattle or otherwise.

(xv) The removal or demolition of buildings so ruinous as to be dangerous to the public safety.

(xvi) The securing of payment from parties in default of expenses incurred thereby by the Board under this Ordinance.

Board empowered to make by-laws for enforcing all measures necessary for preservation of health.

19. The Board of Health is also empowered to make by-laws for enforcing such other sanitary measures for the prevention and mitigation of disease and for the care and preservation of the public health as the said Board may deem fit and proper, and the Board may, by all by-laws made under this Ordinance, impose upon offenders against the same such reasonable penalties as it may think fit, not exceeding the sum of two pounds for each offence, and in case of a continuing offence a further penalty not exceeding five shillings for each day after written notice of the said offence from the said Board :

Provided that all such by-laws imposing a penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty, and all by-laws made by the Board shall, upon approval by the Governor in Council and publication in the Government *Gazette*, have the same effect as if inserted in this Ordinance.

Mode of recovery of penalties.

20. All fines and penalties under this Ordinance shall be recovered in a Court of Summary Jurisdiction before two Justices of the Peace or the Police Magistrate of the Colony.

Mode of recovery of expenses.

21. All moneys recoverable for expenses incurred by the Board against any person or persons under this Ordinance may be recovered in a summary way, in the name of the President of the Board, before two Justices of the Peace or the Police Magistrate for the Colony, in the same manner as fines and penalties are directed to be recovered by this Ordinance.

Board of Health for West Falkland and appointment of Health Officer.

22. It shall be lawful for the Governor to appoint a Board of Health for the West Falkland Island, and also to appoint an officer to be known as Health Officer, for the West Falkland Island, at such salary as may be fixed by the Governor in Council.

Functions of Board.

23. The Board of Health for the West Falkland Island shall possess and exercise in and throughout the West Falkland Island similar author-

ity as regards the West Falklands as that vested in the Board of Health for the East Falkland Island, with similar powers to make by-laws for the proper enforcement of this Ordinance as far as applicable throughout the West Falkland Island.

24. The Health Officer for the West Falkland Island shall discharge all the duties, and is hereby vested with all the powers and authority as far as applicable to the West Falkland Island, of an Inspector of Nuisances appointed under this Ordinance.

Duties of Health Officer.

25. The Board of Health for the West Falkland Island shall consist of the Health Officer for the West Falkland Island, who shall be Chairman of the Board, the Stipendiary Magistrate of the West Falklands and of such other members, not exceeding two, as shall be appointed annually by the Governor, and it shall be lawful for the Governor from time to time to fill up any vacancy or vacancies which may occur on the said Board.

Constitution of Board

26. At all meetings of the Board of Health for the West Falklands two members shall constitute a quorum, and in the absence of the chairman the senior member present shall preside.

Quorum.

27. This Ordinance may be cited as "The Public Health Ordinance, 1894."

UNIFORMS.

Ordinance No. 7 of 1895.

[27th May, 1895.]

An Ordinance to regulate and restrict the wearing of Naval and Military Uniforms.

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall not be lawful for any person not serving in Her Majesty's Forces to wear without Her Majesty's permission the uniform of any of those forces or any dress having the appearance or

Uniforms not to be worn without permission.